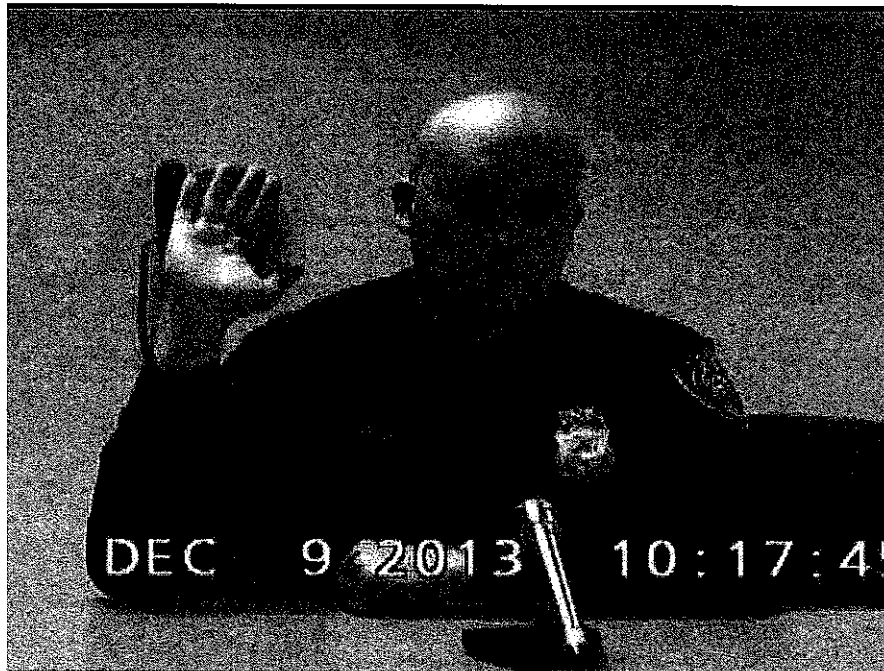


United States District Court
Eastern District of Wisconsin

Estate of Perry v. Wenzel
12-CV-664



Video Deposition of

Corey Kroes

Recorded 12/09/2013 in Milwaukee, WI
10:17 am - 1:41 pm, 157 mins. elapsed

Magne-Script

(414) 352-5450



20242 Condensed transcript with index

Video Deposition of Corey Kroes 12/9/2013

1 (Pages 1 to 4)

<p>Page 1</p> <p>Witness Corey Kroes</p> <p>Monday 12/09/2013 at 10:15 by: Jeff Joseph</p> <p>Milwaukee City Attorneys Office 841 N. Broadway #716 Milwaukee, WI 53202</p> <p>Estate of Perry v. Wenzel 12-CV-664 United States District Court Eastern District of Wisconsin</p>	<p>Page 3</p> <p>1 Michael L. Johnson 2 Otjen, Van Ert & Weir, S.C. 3 700 N. Water St. #800 4 Milwaukee, WI 53202 5 On behalf of Aurora Healthcare Metro, Inc. 6 7 Mark E. Larson 8 Gutglass, Erickson, Bonville & Larson 9 735 N. Water St. #1400 10 Milwaukee, WI 53202-4267 11 On behalf of Paul Coogan, M.D. 12 13 Patrick D. McNally 14 Borgelt, Powell, Peterson & Frauen, S.C. 15 735 N. Water St. #1500 16 Milwaukee, WI 53202 17 On behalf of Injured Patients and Families Compensation 18 Fund 19 20 21 22 23 24 25</p>
<p>Page 2</p> <p>1 APPEARANCES 2 James J. Gende 3 Gende Law Office, S.C. 4 N28 W23000 Roundy Dr. 5 Pewaukee, WI 53072 6 On behalf of the Plaintiffs 7 8 Christopher P. Katers 9 Judge, Lang & Glynn, S.C. 10 8112 W. Bluemound Rd. #71 11 Milwaukee, WI 53213 12 On behalf of the Plaintiffs 13 14 Charles H. Bohl 15 Whyte Hirschboeck Dudek S.C. 16 555 E. Wells St. #1900 17 Milwaukee, WI 53202 18 On behalf of the Milwaukee County Defendants 19 20 Susan E. Lappen 21 Milwaukee City Attorneys Office 22 841 N. Broadway #716 23 Milwaukee, WI 53202 24 On behalf of the City of Milwaukee Defendants 25</p>	<p>Page 4</p> <p>1 INDEX 2 EXAMINATION BY PAGE NO. 3 Mr. Gende 4, 119 4 Mr. Larson 106, 118 5 Mr. Johnson 113 6 EXHIBIT NO. PAGE NO. 7 27 - Notice of Video Deposition 5 8 28 - Aurora Sinai medical records 31 9 29 - MPD medical screening form 56 10 30 - MPD incident report from Kroes interview .. 57 11 31 - 5/19/10 MPD policy 090 80 12 32 - MPD Incident Report. 93 13 33 - Officer Responsibilities Bates 1032 and 1033 96 14 34 - Interview with inmate. 99 15 (The exhibits were returned to Mr. Gende; 16 pdf scans provided to all counsel) 17 (The sealed original transcript was sent to Mr. Gende) 18 19 EXAMINATION 20 BY MR. GENDE: 21 Q Sir, please state your name and spell your last name 22 for the record. 23 A Corey Kroes. Last name is spelled K-r-o-e-s. 24 Q Officer Kroes, I'm going to ask you a series of 25 questions regarding your knowledge as it relates to</p>

Video Deposition of Corey Kroes 12/9/2013

2 (Pages 5 to 8)

<p style="text-align: center;">Page 5</p> <p>1 Mr. Perry's in-custody death. If you don't understand 2 your question, please tell me so, and I'll attempt to 3 rephrase it in a manner that's more clear. Is that 4 fair? 5 A Yes. 6 Q If you answer the question, I will assume that you 7 understood it. Is that fair? 8 A Yes. 9 Q All your answers must be in a verbal manner because 10 the court reporter cannot take down nods of the head 11 or shrugs of the shoulders. Okay? 12 A Yes. 13 Q And finally, please allow me to ask my entire question 14 before you attempt to answer. That way we can keep 15 the record clear. Fair enough? 16 A Yes. 17 (Exhibit 27 identified) 18 Q Sir, I'm going to show you what we've marked as 19 Exhibit No. 27, which is a Notice of Video Deposition 20 duces tecum requesting your appearance here today. 21 Have you seen this document before? 22 A No, I haven't. 23 Q All right. What documents did you review in 24 preparation for your deposition? 25 A The police reports.</p>	<p style="text-align: center;">Page 7</p> <p>1 Q And when did you meet with her? 2 A That was the 5th of December. 3 Q Okay. And how long did you meet with her for? 4 A About two hours. 5 Q Was there anybody else present during that meeting? 6 A Crystal Jacks was present. 7 Q And was Ms. Jacks present during that entire meeting? 8 A Yes. 9 Q Did you ever discuss with Ms. Jacks the events 10 surrounding Mr. Perry's death prior to the meeting 11 with the attorney and after the death occurred? 12 A Yes. 13 Q On how many occasions? 14 A It was a few. I -- I would say less than ten. 15 Q Less than ten. And can you tell me what time period 16 those discussions occurred? 17 A Any time between the date of the incident and probably 18 leading up to the meeting. 19 Q With the -- 20 A With -- 21 Q With your attorney? 22 A On the 5th, yes. 23 Q Okay. Can you estimate how many of those discussions 24 with Officer Jacks occurred prior to the lawsuit being 25 filed?</p>
<p style="text-align: center;">Page 6</p> <p>1 Q And when you say "police reports," there were a number 2 of pages of police reports. Were there ones in 3 particular that you reviewed, or did you look at all 4 of the investigative reports as it relates to Mr. 5 Perry's arrest, custody, and subsequent death? 6 A I read the trans-- or the report that dealt with my 7 interview by the detective and my partner's interview. 8 Q And your partner was who? 9 A Crystal Jacks. 10 Q And when you reviewed those interviews, did you -- 11 Well, first of all, when you reviewed your interview, 12 did you find anything in there to be inaccurate or 13 incorrect? 14 A No. 15 Q When you reviewed Officer Jacks' interview, did you 16 find anything that she had related to be inaccurate or 17 incorrect? 18 A No. 19 Q Did you meet with your attorney in preparation for 20 your deposition here today? 21 A Yes. 22 Q On how many occasions? 23 A One. 24 Q And was your attorney Ms. Lappen? 25 A Yes.</p>	<p style="text-align: center;">Page 8</p> <p>1 A When was that? I don't know when the lawsuit was 2 filed. 3 Q A little over a year ago, I believe. 4 A I would guess maybe half. 5 Q And who initiated those discussions? 6 A I would say probably mutually, maybe. I don't know. 7 Q She's your partner, correct? 8 A No. She was that day, but not on a regular basis. 9 Q Okay. Do you have a regular partner? 10 A I do now, yes. 11 Q And who is that? 12 A Anthony Krueger. 13 Q How long has Officer Krueger been your regular 14 partner? 15 A Probably about -- On and off, about two years. 16 Q Have you had discussions with Officer Krueger about 17 the events surrounding Mr. Perry's in-custody death? 18 A Yes. 19 Q And when you say he's your partner, do you guys travel 20 in the same squad together? 21 A Yes. Well, we ride bicycles, but... 22 Q Okay. 23 A ...when it's cold we do in the car. 24 Q Have you ever had any other in-custody deaths besides 25 Mr. Perry?</p>

Video Deposition of Corey Kroes 12/9/2013

3 (Pages 9 to 12)

<p style="text-align: center;">Page 9</p> <p>1 A No.</p> <p>2 Q Is it fair to say that Mr. Perry's death has weighed</p> <p>3 heavily on your conscience?</p> <p>4 A I've thought about it. I'm not exactly sure, do you</p> <p>5 mean "weighed heavily."</p> <p>6 Q Well, when you say you thought about it --</p> <p>7 A Mm-hmm?</p> <p>8 Q -- you spoke with Officer Jacks about it, you've spoke</p> <p>9 with --</p> <p>10 A Mm-hmm.</p> <p>11 Q -- your current partner about it. And with the</p> <p>12 current partner, how many occasions have you had</p> <p>13 discussions regarding Mr. Perry's death?</p> <p>14 A I would say five or less.</p> <p>15 Q And when you talk to your current partner about it,</p> <p>16 tell me the topic of those conversations.</p> <p>17 A Just, you know, what happened, what was the process</p> <p>18 like. People have questions, you know, you have</p> <p>19 questions like, you know, what happened. A lot of</p> <p>20 people at work, you know, that are new or people I was</p> <p>21 in the academy with, you know, they have never been</p> <p>22 through anything like that and just have general -- I</p> <p>23 don't know, kind of what was it like, because it's</p> <p>24 kind of a long process afterwards. We get interviewed</p> <p>25 and kind of more about that than anything.</p>	<p style="text-align: center;">Page 11</p> <p>1 staff?</p> <p>2 A Well --</p> <p>3 Q Is that what you're saying?</p> <p>4 A We made it known that we thought that his condition</p> <p>5 when he left wasn't -- it didn't seem right to us.</p> <p>6 And they assured us that it was, and that any -- how</p> <p>7 he was acting, his condition, was all related to the</p> <p>8 medication he had been given. And that both of us</p> <p>9 just thought maybe the doctor should just look at him</p> <p>10 again and just double-check, just to make sure.</p> <p>11 Q Is it fair to say that you never spoke with any doctor</p> <p>12 regarding your concerns?</p> <p>13 A No. I mean, we did not speak to the doctor. We spoke</p> <p>14 to the nurse, who said she would relay the information</p> <p>15 to the doctor.</p> <p>16 Q And is it your position that the nurse, then,</p> <p>17 expressed she relayed your concerns to the doctor?</p> <p>18 A Yes.</p> <p>19 Q And do you believe that she in fact did that?</p> <p>20 A Yes.</p> <p>21 Q And why do you believe that?</p> <p>22 A She left the room and walked towards where the doctors</p> <p>23 -- I don't know if you call it the "Report Room," or</p> <p>24 where they do their dictation.</p> <p>25 Q Do you know if Officer Jacks has any medical training?</p>
<p style="text-align: center;">Page 10</p> <p>1 Q So Krueger was asking you questions about what your</p> <p>2 experience was like?</p> <p>3 A Yes. And -- yeah.</p> <p>4 Q And what else?</p> <p>5 A Nothing.</p> <p>6 Q Did you ever seek any counseling as it relates to Mr.</p> <p>7 Perry's in-custody death or the events surrounding it?</p> <p>8 A No.</p> <p>9 Q When you spoke with Officer Jacks prior to the lawsuit</p> <p>10 being filed as it relates to Mr. Perry's in-custody</p> <p>11 death, tell me about the topics of those</p> <p>12 conversations.</p> <p>13 A I mean, we just kind of went over what happened and</p> <p>14 recounted the events.</p> <p>15 Q During that process were there questions about what</p> <p>16 could have been done differently to avoid Mr. Perry's</p> <p>17 ultimate outcome where he passed away on the floor of</p> <p>18 the prebooking facility for Milwaukee County?</p> <p>19 A No, not relating to what happened at CJF.</p> <p>20 Q Okay. What was it related to, then?</p> <p>21 A We had just both felt that we expressed our objections</p> <p>22 at the hospital. And at that point, they told -- you</p> <p>23 know, we thought that we told the hospital that we had</p> <p>24 a concern and maybe it wasn't fully addressed.</p> <p>25 Q Your concerns were not fully addressed by hospital</p>	<p style="text-align: center;">Page 12</p> <p>1 A I don't think so beyond what you get at the academy.</p> <p>2 Q How long have you been a Milwaukee police officer?</p> <p>3 A About -- It will be five years in March.</p> <p>4 Q Prior to that, you were an EMT?</p> <p>5 A A paramedic.</p> <p>6 Q For the City?</p> <p>7 A No. For -- I worked for St. Luke's South Shore,</p> <p>8 Delafield Fire Department, and Bell Ambulance.</p> <p>9 Q How long were you a paramedic in those different</p> <p>10 capacities?</p> <p>11 A Bell Ambulance, since 2007, and I was an EMT since</p> <p>12 2004, prior, at Bell Ambulance. I only worked for</p> <p>13 Delafield for roughly nine months before I got hired</p> <p>14 here. And the hospital, I worked from 2005 until the</p> <p>15 beginning of 2009.</p> <p>16 Q So from 2003 to 2009, you were an EMT and then a</p> <p>17 paramedic?</p> <p>18 A 2004, I was an EMT until 2007, when I completed the</p> <p>19 paramedic class, and then I -- until 2009.</p> <p>20 Q Can you give me an overview of your educational</p> <p>21 background?</p> <p>22 A I attended EMT school in 2004. That's a three or</p> <p>23 four-month class you go to technical college for.</p> <p>24 Paramedic school is a little bit longer. It's about a</p> <p>25 year, roughly 2500 hours of training. That's also at</p>

Video Deposition of Corey Kroes 12/9/2013

4 (Pages 13 to 16)

<p style="text-align: center;">Page 13</p> <p>1 technical school. And I'm currently a undergraduate 2 student at UWM for IT stuff. 3 Q When did you enroll in UWM? 4 A Two-- I think 2011. 5 Q When did you graduate high school? 6 A 2003. 7 Q And what high school did you graduate from? 8 A Horlick High in Racine. 9 Q What prompted you to move from a EMT/paramedic into 10 the police department? 11 A It paid more, a lot more. 12 Q When do you intend on completing your education at 13 UWM? 14 A Well, I'm a very part-time student, and it kind of 15 depends on a lot of things. Maybe in 2016, at the 16 earliest. 17 Q Are you getting any assistance from the police 18 department regarding the educational courses you're 19 taking? 20 A We get up to I think it's \$1200 a year in tuition 21 reimbursement. 22 Q Other than Officer Jacks and Officer Krueger -- KROO- 23 ger or KREE-ger? 24 A KREE-ger [Krueger]. 25 Q -- what other conversations have you had regarding Mr.</p>	<p style="text-align: center;">Page 15</p> <p>1 any meaning to you as a medical term? 2 A It does as a medical term, and in just, you know, 3 layman's terms. 4 Q When you just used the phrase "change in condition," 5 were you using it as a medical term or as a layman's 6 term? 7 A More of a layman's term. 8 Q All right. Tell me what it means to you as a medical 9 term, that phrase "change in condition." 10 A That at the time of discharge he was less responsive 11 to -- You know, when we first -- when I first saw him 12 in the ambulance and we were riding to the hospital, 13 he was awake, he wasn't very talkative, he seemed very 14 tired. But by the end, he was moaning and groaning in 15 the bed, and he wasn't cooperative with anything. And 16 he was cooperative when we started. And, I mean, he 17 wouldn't even get dressed, he wouldn't walk, he 18 wouldn't sit up. 19 Q Is there a distinction in terms between "cooperative" 20 -- I'm sorry -- "noncooperative" and "combative," in 21 your opinion? 22 A Yes. 23 Q And tell me what that distinction is. 24 A I think "combative" would be best described as 25 physically fighting, you know, or trying to attack or</p>
<p style="text-align: center;">Page 14</p> <p>1 Perry's death, not including your attorney? 2 A I talked to my wife about it. 3 Q How often? 4 A Once or twice after, like immediately after the event. 5 Q And was your wife questioning you about what happened 6 or were you just recounting to her your experience? 7 A I was just telling her what happened, because I ended 8 up staying very late in the morning and she was 9 wondering why. 10 Q Was it your opinion that Mr. Perry should not have 11 been discharged from the emergency room? 12 A Yes. 13 Q And tell me how you expressed that opinion, if at all, 14 on the date in question to the medical personnel. 15 A After we had received the discharge paperwork, I told 16 Becky Potterton, the nurse, that I just -- me and my 17 partner both felt that something was wrong. You know, 18 he doesn't seem -- You know, he came to the hospital, 19 you know, tired but conscious, and now he was moaning 20 and wasn't cooperating at all. And I just expressed 21 to her that I just feel like he should just be checked 22 out again. It just seemed like a change in his 23 condition. 24 Q Based on your medical training as a EMT and then 25 paramedic, does the term "change in condition" have</p>	<p style="text-align: center;">Page 16</p> <p>1 using large amounts of force. 2 Q Did you ever observe Mr. Perry to be combative based 3 on that definition that you've given me? 4 A No. 5 Q And when you've described him as "noncooperative" 6 based on your observations, was that as a result of 7 him attempting to resist or in your opinion was it 8 related to a medical condition that he was suffering 9 from? 10 A I'm not completely sure. I think it could be both. 11 Q At any point in time during your experience with Mr. 12 Perry did you decide more one way or the other as to 13 whether it was a noncooperation based on resistance or 14 medical condition? 15 A What I thought at the time was that he was probably 16 trying to be resistive but was unable to really be 17 resistive past a certain point because of the 18 medication that he was on. 19 Q So the noncooperation you believe was based on the 20 medication he received at the emergency room as 21 opposed to any change in his state of physical health 22 and well-being? 23 A Yes. I think that he was -- At the time, I believed 24 that he was attempting to resist us but was unable to 25 do so past a certain point because of this medication</p>

Video Deposition of Corey Kroes 12/9/2013

5 (Pages 17 to 20)

<p style="text-align: center;">Page 17</p> <p>1 that they described to make him tired and weak.</p> <p>2 Q Was that the Dilantin?</p> <p>3 A Yes.</p> <p>4 Q Do you have any understanding what Dilantin is for?</p> <p>5 A I know it's for seizures. It wasn't something that I</p> <p>6 was trained to administer in my job as a paramedic.</p> <p>7 Q How long were you with Mr. Perry in the emergency room</p> <p>8 for?</p> <p>9 A I would say probably two to three hours, roughly.</p> <p>10 Q And during that two to three-hour time period that you</p> <p>11 were with Mr. Perry in the emergency room, were you in</p> <p>12 his physical presence the entire time?</p> <p>13 A Not the entire time. But either myself or my partner,</p> <p>14 Crystal, were in the room with him.</p> <p>15 Q And during that time period from when Mr. Perry</p> <p>16 arrived to the moment when he was discharged, how</p> <p>17 would you describe the deterioration in his condition,</p> <p>18 if in fact there was a deterioration?</p> <p>19 A Well, like I said, he -- We got sent to ride with him</p> <p>20 to the hospital because he had a seizure in the City</p> <p>21 jail. When we got there, he was -- you know, he was</p> <p>22 tired but awake, and he would answer questions. While</p> <p>23 we were there he had two more seizures, after which he</p> <p>24 would become, you know, more tired, weak, and less</p> <p>25 responsive.</p>	<p style="text-align: center;">Page 19</p> <p>1 bathroom, or something. But I know that he had two</p> <p>2 while we were there.</p> <p>3 Q All right. And you know the approximate time of the</p> <p>4 second seizure at the hospital?</p> <p>5 A Yes.</p> <p>6 Q And approximately what time did that occur?</p> <p>7 A Well, let's see. I would say forty-- Well, the first</p> <p>8 one after we got there was roughly 45 minutes to an</p> <p>9 hour, I think, and the other one was maybe 30 minutes.</p> <p>10 So maybe an hour and a half.</p> <p>11 Q An hour and a half between the second seizure and the</p> <p>12 discharge?</p> <p>13 A Close to that, I would say.</p> <p>14 Q Were you advised as to whether or not Mr. Perry had</p> <p>15 struck any part of his body as a result of the first</p> <p>16 seizure while he was at the police department?</p> <p>17 A I was under the impression that he hit his head. I</p> <p>18 don't know where, but...</p> <p>19 Q And how did you come to be under that impression?</p> <p>20 A The -- One of the EMTs in the ambulance mentioned it.</p> <p>21 And when we first got in the garage, the officer that</p> <p>22 was originally handling the call said there was this</p> <p>23 guy that had a seizure and hit his head in the bullpen</p> <p>24 and now, you know, you got to go with him to the</p> <p>25 hospital.</p>
<p style="text-align: center;">Page 18</p> <p>1 Q Is it your opinion that the deterioration that you've</p> <p>2 described from the moment he arrived at the ER until</p> <p>3 the moment he left the ER was related to his state of</p> <p>4 physical health or the Dilantin that he had received</p> <p>5 for the two seizures at the emergency room?</p> <p>6 MR. JOHNSON: Object to foundation.</p> <p>7 Go ahead.</p> <p>8 A The -- From the Dilantin based on what we were told</p> <p>9 would be the effect of the medication.</p> <p>10 BY MR. GENDE:</p> <p>11 Q When was the second seizure prior to discharge? How</p> <p>12 much time elapsed?</p> <p>13 A Well --</p> <p>14 MS. LAPPEN: Just for clarification, because</p> <p>15 he had one in the jail, do you mean --</p> <p>16 THE WITNESS: Yeah.</p> <p>17 MS. LAPPEN: -- the second one in time or</p> <p>18 the second one at the hospital?</p> <p>19 MR. GENDE: That's fair.</p> <p>20 Q I'm talking about the two seizures that you observed</p> <p>21 at the emergency room.</p> <p>22 A Well, I didn't --</p> <p>23 Q And after this -- go ahead.</p> <p>24 A I'm sorry. I didn't observe -- I observed one of</p> <p>25 them, and the other one happened while I was using the</p>	<p style="text-align: center;">Page 20</p> <p>1 Q You rode in the back of the ambulance with Mr. Perry?</p> <p>2 A Yes.</p> <p>3 Q Was he shackled at the time?</p> <p>4 A He was.</p> <p>5 Q Was he able to communicate with you?</p> <p>6 A Yes.</p> <p>7 Q Did you ask him any questions about what had happened?</p> <p>8 A I just asked him, you know, what, you know, "What</p> <p>9 happened today? How did you get arrested?" And</p> <p>10 understandably, he didn't want to talk about it. He</p> <p>11 did mention that he wanted to use the bathroom.</p> <p>12 Q Did you do any check of his head or limbs while you</p> <p>13 were riding in the back of the ambulance?</p> <p>14 A No.</p> <p>15 Q Never checked his head for potential injury as a</p> <p>16 result of the fall that you were aware of?</p> <p>17 A No.</p> <p>18 Q Other than Mr. Perry being nonresponsive to some of</p> <p>19 your inquiries regarding the prior arrest, did he</p> <p>20 otherwise appear coherent and responsive to your</p> <p>21 inquiries?</p> <p>22 A Yes. I mean, he was tired.</p> <p>23 Q Did you check his eyes at all?</p> <p>24 A No.</p> <p>25 Q Did he appear to be under the influence of any</p>

Video Deposition of Corey Kroes 12/9/2013

6 (Pages 21 to 24)

<p style="text-align: center;">Page 21</p> <p>1 intoxicants?</p> <p>2 A I don't know. I can say I don't remember him smelling</p> <p>3 like alcohol, or anything. But I didn't assess him</p> <p>4 for any of those things.</p> <p>5 Q Tell me how Mr. Perry was placed in the ambulance</p> <p>6 prior to transport.</p> <p>7 A I don't know, because my first contact with him was</p> <p>8 when he was already in the ambulance.</p> <p>9 Q And tell me how Mr. Perry was able to ambulate into</p> <p>10 the emergency room at the time of the transfer.</p> <p>11 A They, the EMTs, pushed him in on the stretcher, and</p> <p>12 then using the little sheet, they just carried him</p> <p>13 over.</p> <p>14 Q Do you know whether he was able to ambulate on his own</p> <p>15 at that point in time?</p> <p>16 A He was. Shortly after, he walked to the bathroom.</p> <p>17 Q And when he walked to the bathroom, did you notice</p> <p>18 anything out of the ordinary regarding his gait?</p> <p>19 A He was able to walk on his own. He was -- I mean, he</p> <p>20 was tired, so he wasn't moving quickly, but he was</p> <p>21 able to move on his own power.</p> <p>22 Q Up to the point where he received the first dose of</p> <p>23 Dilantin, were you able to determine any change in his</p> <p>24 physical condition?</p> <p>25 A No. He may have been given something else too. I</p>	<p style="text-align: center;">Page 23</p> <p>1 A We either did that or you can type it on the computer</p> <p>2 and end up with the same result. I don't remember</p> <p>3 which one we did.</p> <p>4 Q Do you know who that communication was directed</p> <p>5 towards?</p> <p>6 A Whoever the dispatcher was.</p> <p>7 Q Did you have any discussions with the lieutenant in</p> <p>8 charge about transporting or not transporting Mr.</p> <p>9 Perry once he was released --</p> <p>10 A Yes.</p> <p>11 Q -- from the emergency room and prior to him arriving</p> <p>12 back at the station?</p> <p>13 A Yeah. That was before we even loaded him into the</p> <p>14 car. After we received the discharge paperwork and we</p> <p>15 had voiced our concerns with the nurse, we called --</p> <p>16 or Crystal called the jail lieutenant and said, you</p> <p>17 know, here's the situation, this is what we think is</p> <p>18 going on, this is -- they said he's medically clear.</p> <p>19 And he said, "Well, you have to" -- "you'll have to</p> <p>20 get him back somehow. If you got to, call for extra</p> <p>21 officers to come help you carry him."</p> <p>22 Q So the direction that you received from the lieutenant</p> <p>23 was Perry must be returned to the station.</p> <p>24 A Yes.</p> <p>25 Q And you received that direction after expressing your</p>
<p style="text-align: center;">Page 22</p> <p>1 don't know exactly what medications. Because I know</p> <p>2 they gave him -- the Dilantin was in an I.V. bag, and</p> <p>3 I think they gave him something else when he was</p> <p>4 actively seizing, or they tried to.</p> <p>5 Q After Mister -- Well, tell me how Mr. Perry was</p> <p>6 transported from the emergency room back to the police</p> <p>7 department.</p> <p>8 A In the back of our squad car.</p> <p>9 Q And were you able to have any conversations with him</p> <p>10 during that time period?</p> <p>11 A No.</p> <p>12 Q Tell me how he was acting or what your observations</p> <p>13 were during that transport period.</p> <p>14 A He was -- We had him seatbelted in the back and he was</p> <p>15 mumbling and making, like, moaning sounds.</p> <p>16 Q Did you inquire as to how he was feeling?</p> <p>17 A I don't remember doing that.</p> <p>18 Q Did you hear Officer Jacks inquire in that regard?</p> <p>19 A I don't think so.</p> <p>20 Q Were you and Officer Jacks having any conversation</p> <p>21 during the transport period?</p> <p>22 A Not that I can recall. It's like a two-block drive to</p> <p>23 the -- back to the police station.</p> <p>24 Q Did you make any type of call-in with your radio to</p> <p>25 the police department regarding the transport?</p>	<p style="text-align: center;">Page 24</p> <p>1 concern to the lieutenant that Mr. Perry did not</p> <p>2 appear to be physically stable?</p> <p>3 A Well, yes. Crystal talked -- I don't know exactly</p> <p>4 what she said, but she said, "Look, you know, he's not</p> <p>5 even walking. We told the hospital staff we don't</p> <p>6 think this is right." And he said, "Well, if you have</p> <p>7 the paperwork and they're saying he's discharged,</p> <p>8 there's not much more else we can do. So bring him</p> <p>9 back the safest way you can, and we'll deal with it</p> <p>10 from there."</p> <p>11 Q And when you say "Crystal," you're referring to</p> <p>12 Officer Jacks, correct?</p> <p>13 A Yes. Yes.</p> <p>14 Q Were you present when she had that conversation?</p> <p>15 A I was in the same room, but she was maybe ten feet</p> <p>16 away from me. So I wasn't -- I knew she was calling</p> <p>17 him, but I wasn't, you know, listening directly.</p> <p>18 Q And the condition that you observed and that concerned</p> <p>19 you, you believe was related to the medication as</p> <p>20 opposed to any other issues?</p> <p>21 A Well, eventually that's what we were told, and I</p> <p>22 accepted the answer from the doctor. We originally</p> <p>23 said, you know, this doesn't seem -- his condition</p> <p>24 seems -- it seems wrong. You know, it seems odd.</p> <p>25 They assured us it was from the medication, so I</p>

Video Deposition of Corey Kroes 12/9/2013

7 (Pages 25 to 28)

<p style="text-align: center;">Page 25</p> <p>1 believed them.</p> <p>2 Q And based on your own medical training, your concerns</p> <p>3 about his physical state were satisfied by the nurse's</p> <p>4 suggestion to you that the condition was solely</p> <p>5 related to the medication.</p> <p>6 A Yes.</p> <p>7 Q Other than expressing your concern to the lieutenant</p> <p>8 while still at the emergency room but prior to</p> <p>9 transferring Perry back to the police station, did you</p> <p>10 express your concerns about Perry's condition at any</p> <p>11 point after that period?</p> <p>12 A I don't think I discussed it again until we were being</p> <p>13 interviewed by the assistant district attorney later</p> <p>14 in the evening.</p> <p>15 Q And was that interview on tape or was it being</p> <p>16 recorded in any fashion?</p> <p>17 A I think it was a audio recording.</p> <p>18 Q Other than being interviewed by the district attorney,</p> <p>19 were you interviewed by any other police department</p> <p>20 individuals or --</p> <p>21 A Yes. I was --</p> <p>22 Q -- entities.</p> <p>23 A -- interviewed by a detective prior to the other</p> <p>24 interview.</p> <p>25 Q So you spoke to a detective first and then the</p>	<p style="text-align: center;">Page 27</p> <p>1 down position?</p> <p>2 A I believe it was upwards, because he, if I remember</p> <p>3 correctly, he was leaning against the back seat.</p> <p>4 Q Did you see his head rolling around at all?</p> <p>5 A I think it would move with, you know, turns and bumps.</p> <p>6 Q When you returned to the police station, did you check</p> <p>7 Mr. Perry's pupils?</p> <p>8 A No.</p> <p>9 Q Did you check any of his vital signs?</p> <p>10 A No.</p> <p>11 Q What are vital signs to you? What does that mean?</p> <p>12 A That would be your pulse, your blood pressure, things</p> <p>13 like your breathing rate, oxygen saturation.</p> <p>14 Q And as an EMT and paramedic, is there any importance</p> <p>15 to you in that capacity in checking somebody's vital</p> <p>16 signs?</p> <p>17 A It gives you a good deal of information what's going</p> <p>18 on with the patient.</p> <p>19 Q And as a first responder, what is one of the first</p> <p>20 things that you're to do when you come upon a person</p> <p>21 that you are concerned about their physical health?</p> <p>22 A I guess it depends on what that would be.</p> <p>23 Q Is checking the vital signs a part of that initial</p> <p>24 process of determining what's wrong with an injured</p> <p>25 individual?</p>
<p style="text-align: center;">Page 26</p> <p>1 District Attorney's Office?</p> <p>2 A Yes.</p> <p>3 Q And when you spoke to the detective, do you know if</p> <p>4 that interview was recorded visually or with audio?</p> <p>5 A I believe audio recording.</p> <p>6 Q Have you ever heard that audio recording?</p> <p>7 A No.</p> <p>8 Q Had Mr. Perry soiled himself prior to you returning</p> <p>9 him to the police station?</p> <p>10 A No.</p> <p>11 Q Was Mr. Perry able to sit up on his own in the back of</p> <p>12 the squad car or did the seatbelt, was that required</p> <p>13 to hold him in place?</p> <p>14 A Yes.</p> <p>15 Q The seatbelt was required to hold him in place?</p> <p>16 A Yes.</p> <p>17 Q And when you observed him moaning -- strike that.</p> <p>18 When you heard him moaning and groaning in the back</p> <p>19 seat, did you look back to check his physical</p> <p>20 condition?</p> <p>21 A Mm-hmm. I watched him probably the entire ride back</p> <p>22 to the station.</p> <p>23 Q Officer Jacks was driving?</p> <p>24 A Yes.</p> <p>25 Q And when you watched him, was his head in a upward or</p>	<p style="text-align: center;">Page 28</p> <p>1 A Yes.</p> <p>2 Q And why is that?</p> <p>3 A I guess it gives you, I mean, you -- It gives you a</p> <p>4 baseline understanding of what is going on with their</p> <p>5 body, and that can be measured over time.</p> <p>6 Q Did you ever check Mr. Perry's vital signs?</p> <p>7 A No.</p> <p>8 Q Do you know if Officer Jacks ever checked his vital</p> <p>9 signs?</p> <p>10 A I don't think she did.</p> <p>11 Q Are you aware of anybody affiliated with the Milwaukee</p> <p>12 Police Department that might have checked Mr. Perry's</p> <p>13 vital signs at any point in time while he was in</p> <p>14 custody?</p> <p>15 A No.</p> <p>16 Q Do you know if police officers are trained to check</p> <p>17 vital signs?</p> <p>18 A Not beyond checking for a pulse when there's somebody</p> <p>19 unconscious as a way to determine if CPR is necessary.</p> <p>20 Q When Mr. Perry was discharged and the discharge</p> <p>21 instructions were provided, were they given to you or</p> <p>22 Officer Jacks?</p> <p>23 A I don't remember who.</p> <p>24 Q Did you review those discharge instructions?</p> <p>25 A No.</p>

Video Deposition of Corey Kroes 12/9/2013

8 (Pages 29 to 32)

<p style="text-align: center;">Page 29</p> <p>1 Q Did you see Officer Jacks review those discharge 2 instructions? 3 A I don't think she did. I don't remember. 4 Q Did you give the discharge instructions to Mr. Perry? 5 A He gets a copy of it, or he may get the -- he -- I 6 don't know if he gets the original or the copy, but 7 that goes with his property. And then a copy goes to 8 the jail supervisor. 9 Q Well, when you say a copy goes to Mr. Perry's 10 property, I'm trying to understand whether or not he 11 received a physical copy upon discharge so he could 12 review it and understand what the instructions were. 13 A I don't think they gave the -- gave him, you know, his 14 own copy. But a copy was provided so he could have 15 it, you know, at some point in the future. 16 Q Were you aware of what the discharge instructions were 17 for Mr. Perry when he was released from the emergency 18 room? 19 A I think all it was was that he needed to take 20 medication so he wouldn't have another seizure. 21 Q In your opinion as a EMT and paramedic, was Mr. Perry 22 in a condition upon discharge where he could have read 23 and understood the instructions being provided by the 24 emergency room? 25 MR. JOHNSON: Object to foundation.</p>	<p style="text-align: center;">Page 31</p> <p>1 Mr. Perry was brought back and you handed over the 2 paperwork, including the discharge instructions, as it 3 relates to Mr. Perry? 4 A No. 5 Q Did you observe or hear Officer Jacks having any 6 conversation to that effect with the lieutenant? 7 A No. 8 Q So the lieutenant just took the paper and walked away? 9 A It may have been hand-- I don't know if I gave it to 10 him directly or if somebody, I hand it to them and 11 they gave it to him. I'm not -- I don't remember. 12 Q And what conversation did you have with that person 13 that you handed the paperwork to upon return to the 14 police station, if any? 15 A I don't remember if -- It might have been something as 16 simple as, you know, "Do you have all his medical 17 stuff," and, "Okay. Here you go." 18 (Exhibit 28 identified) 19 Q Okay. I'm going to show you what we've marked as 20 Exhibit No. 28, which is a copy of the certification 21 of medical records from Aurora Sinai as it relates to 22 Mr. Perry's stay in the emergency room on September 23 13th, 2010. Have you ever seen this document or these 24 documents before? 25 A No.</p>
<p style="text-align: center;">Page 30</p> <p>1 Go ahead. 2 A At the time, I didn't -- I was still under the 3 impression that part of his condition was from the 4 medication and part of it may have been that he wasn't 5 being cooperative, so I don't know if he could have 6 understood that. 7 BY MR. GENDE: 8 Q And you certainly didn't have any conversations with 9 him about the discharge instructions, correct? 10 A No. 11 Q And did you hear Officer Jacks have any conversations 12 about the discharge instructions? 13 A No. 14 Q And when you returned to the police station with Mr. 15 Perry after that discharge, did you relate any 16 discharge instructions to any other MPD personnel? 17 A Other than giving the lieutenant the paperwork, no. 18 Q Now, when you say "giving the lieutenant the 19 paperwork," that would have been the release 20 paperwork, including discharge instructions from the 21 hospital, correct? 22 A Yes. Yes. 23 Q Did he ask you any questions? 24 A No. 25 Q Did you have any conversation with the lieutenant when</p>	<p style="text-align: center;">Page 32</p> <p>1 Q After Mr. Perry died, did you ever attempt to secure 2 his medical records as it relates to the emergency 3 room stay? 4 A No. 5 Q Did you have any interest or concern about what the 6 doctors or nurses may have said about Mr. Perry's 7 physical condition while you were there at the 8 emergency room with him just prior to his death? 9 A Yeah. I guess I was wondering what their thoughts 10 were outside of the room. 11 Q So you knew at the time Mr. Perry was discharged, or 12 at least you believed, that he was not right and you 13 wanted him to be reexamined, correct? 14 A Yes. 15 Q The emergency room, based on your testimony, refused 16 to do anything further and released him, true? 17 MR. JOHNSON: Object to the form. 18 Go ahead. 19 A They said -- Yeah. They said, well, how he's acting 20 is because of the medication and anything else is 21 probably him just, you know, faking or.... 22 BY MR. GENDE: 23 Q So they refused to do further examination despite your 24 concerns, at least that's your testimony, correct? 25 MR. JOHNSON: Object to form.</p>

Video Deposition of Corey Kroes 12/9/2013

9 (Pages 33 to 36)

<p style="text-align: center;">Page 33</p> <p>1 A They said it wasn't necessary because he had been 2 medically cleared. 3 BY MR. GENDE: 4 Q And did that relieve your concerns? 5 A Yes. 6 Q And then subsequently you transported Mr. Perry, and 7 you were involved with him back at the police station, 8 correct? 9 A Yes. 10 Q And would you say that your continued involvement with 11 him you observed him deteriorate further from the time 12 that he was discharged until he was returned to the 13 police station? 14 A It seemed like he had stayed at that point, the same - 15 - how he was when he was discharged was consistent 16 until I left the jail. 17 Q And when you left the jail, was Mr. Perry dead or 18 alive? 19 A He was alive. 20 Q When did you find out that Mr. Perry had passed away? 21 A It was later. I don't know, maybe -- I think we left 22 the jail at 7:00, and maybe it was 8 or 9 o'clock. 23 Q And how were you informed that he had passed away? 24 A Well, I think my partner, Crystal Jacks, had called 25 the jail, I'm not sure what about, but the lieutenant</p>	<p style="text-align: center;">Page 35</p> <p>1 conversation? 2 A Oh, I'm sure we talked about it. 3 Q Do you recall talking about anything else, that's my 4 question. 5 A I don't remember what we talked about. 6 Q Would there have been any other more significant event 7 during that one-hour time period that would have 8 required your attention or -- 9 A No. 10 Q -- topic of conversation other than Mr. Perry's in- 11 custody death? 12 A No. 13 Q And during that time period where you were with 14 Officer Jacks for an hour after learning of Mr. 15 Perry's in-custody death, tell me what the two of you 16 discussed in regards to your experience at the 17 emergency room, you experience upon discharge, and 18 your experience once you returned Mr. Perry to the 19 police department. 20 A I don't remember exactly what we talked about. 21 Q Tell me your best recollection of that conversation. 22 A I'm sure that we mentioned how we objected to his 23 discharge and that probably playing a factor. But 24 exactly what we spoke about, I don't -- I don't 25 remember.</p>
<p style="text-align: center;">Page 34</p> <p>1 informed her that he had died. 2 Q And then she called you? 3 A Well, we were -- We were together in the squad car. 4 Q And what was your reaction to that? 5 A I was surprised. I wasn't expecting that. 6 Q And what was Officer Jacks' reaction? 7 A She was shocked. 8 Q What did the two of you do next? 9 A I mean, I think we had -- I don't remember if we went 10 on any calls after that, but at some point we had to 11 come in. You know, they said, "You have to go up to 12 the detective bureau, and now we got to conduct 13 interviews." 14 Q And how much time elapsed from when you received the 15 call informing you of Mr. Perry's death until you 16 returned to the station and conducted interviews? 17 A Maybe an hour. I'm not -- I'm not really sure. I 18 think it was right before the end of our shift, so 19 may-- which was 11:00 p.m., so maybe 10 o'clock. It 20 could have been earlier. I don't really.... 21 Q And during the course of that hour, did you and 22 Officer Jacks talk about anything else, other than the 23 sequence of events, as it relates to Mr. Perry and 24 then your subsequent knowledge that he expired in 25 police custody? Was there any other topic of</p>	<p style="text-align: center;">Page 36</p> <p>1 Q So it's fair to say that after you learned of Mr. 2 Perry's death your primary concern was how you had 3 expressed your opinion upon discharge that Mr. Perry 4 was not right, and nevertheless, the emergency room 5 released him, true? 6 A Yes. 7 Q So based on that primary concern, what follow-up did 8 you do to determine, based on the medical records at 9 the emergency room, what those medical personnel did 10 or said as it relates to Mr. Perry's discharge? 11 MS. LAPPEN: I'm going to object as to the 12 form of the question. It's extremely vague and 13 multiple. 14 Go ahead and answer, if you can. 15 A In a situation like that, the officers involved are 16 not included in the investigation, and that is tasked 17 to the detective bureau. So I didn't do any follow- 18 up. 19 BY MR. GENDE: 20 Q As part of the follow-up investigation, did any of the 21 Milwaukee Police Department personnel share with you 22 information as it relates to the medical records of 23 Mr. Perry on September 13th, 2010? 24 A No. 25 Q What's a PP-42?</p>

Video Deposition of Corey Kroes 12/9/2013

10 (Pages 37 to 40)

<p style="text-align: center;">Page 37</p> <p>1 A That is the form we have to fill out for transport of 2 prisoners to the hospital or if there's an intoxicated 3 person on the street that needs to go to the hospital 4 because he can't care for himself. And we also use it 5 for conveyances to Mental Health. 6 Q Who was tasked on the night in question to complete 7 the PP-42 as it relates to Mr. Perry, you or Officer 8 Jacks? 9 A I don't remember. One of us would have filled it out. 10 Q Considering you were in the back of the ambulance with 11 Mr. Perry upon the initial transfer and were a 12 passenger in the squad upon his return to the police 13 department, is it more or less likely that you were 14 tasked with completing the PP-42? 15 A It may have been that it was completed by the jail for 16 his initial transfer. I don't remember. But, if -- 17 Yeah. If I was in the passenger seat, I probably 18 would have filled it out. 19 Q All right. If you can look at Exhibit No. 28, and 20 there are Bates numbers in the lower right-hand corner 21 of the document? 22 A Okay. 23 Q If you could go to page 16, or Bates No. 16. What 24 document is this? 25 A That's the PP-42.</p>	<p style="text-align: center;">Page 39</p> <p>1 A I don't know, but it's a form we have to fill out. 2 Q As a former EMT and paramedic, what would be your best 3 estimate as to why one of these documents should be 4 filled out when a prisoner is returned from the 5 emergency room to the police department? 6 A Well, we fill them out to take them to the hospital 7 because both the ambulance and the hospital requires 8 it for -- I'm assuming, for payment or proof that we 9 requested it. As for returning him, I -- I don't know 10 if it's just to keep track of the transport itself. 11 Q You would agree that Exhibit 28, Bates No. 16 12 reflecting the PP-42 as it relates to Mr. Perry, was 13 in relation to his transfer to the ER, correct, not 14 his return? 15 A Yes. That was the initial transfer. 16 Q Is this form used when a prisoner is returned from the 17 emergency room to provide information to the receiving 18 police department personnel as to the condition... 19 A No. 20 Q ...of the patient being returned? 21 A No. That's what we -- We have to have the discharge 22 paperwork and instructions. 23 Q So what is the policy and procedure for the return of 24 a prisoner from the emergency room to the police 25 department in the process of advising the condition of</p>
<p style="text-align: center;">Page 38</p> <p>1 Q And is your handwriting anywhere on this document? 2 A No. 3 Q And this document is to be completed when a prisoner 4 is transported to the emergency room, correct? 5 A Correct. 6 Q And what about when the prisoner is returned from the 7 emergency room? Is there any document that needs to 8 be filled out? 9 A Yes. Usually this form is filled out again. 10 Q So there could be two of these forms as it relates to 11 Mr. Perry? 12 A Yes, there could be. 13 Q Do -- well, strike that. Did you fill out the PP-42 14 when Mr. Perry was returned from the emergency room? 15 A I can't say for certain if I did. 16 Q You would agree that one should have been completed, 17 correct, by either yourself or Officer Jacks? 18 A Yes, they're usually filled out. 19 Q Any reason why one was not filled out on the night Mr. 20 Perry was returned from the emergency room to the 21 police department? 22 A Not that I can think of. 23 Q And what is the purpose of completing this form once a 24 prisoner is returned from the emergency room to the 25 police department?</p>	<p style="text-align: center;">Page 40</p> <p>1 that prisoner? 2 A That's based on the paperwork received from the 3 hospital. 4 Q Is there a written policy and procedure that you're 5 aware of by MPD regarding that process? 6 A I believe so. 7 Q And what's your understanding of that written policy 8 and procedure? 9 A That whenever someone returns from the hospital for 10 medical clearance you have to have the paperwork 11 showing that they were medically cleared. 12 Q Including the discharge instructions? 13 A I think that is the paperwork they want. 14 Q And when you say "they" -- 15 A The department. 16 Q -- that would be the receiving personnel, correct? 17 A Yes. 18 Q And the purpose of that policy and procedure in 19 returning a patient from the emergency room to the 20 police department and then the receiving police 21 department personnel getting a copy of the discharge 22 instructions is so those personnel can know the 23 physical well-being or health of that prisoner, 24 correct? 25 A Yes. And so that when the prisoner goes to the County</p>

Video Deposition of Corey Kroes 12/9/2013

11 (Pages 41 to 44)

<p>Page 41</p> <p>1 jail, the nurses there can review it and then, you</p> <p>2 know, follow the instructions accordingly.</p> <p>3 Q Do you know if that paperwork that you've described,</p> <p>4 which includes the discharge instructions, was</p> <p>5 misplaced upon Mr. Perry's return?</p> <p>6 A I don't know.</p> <p>7 Q Are you aware of any information which would suggest</p> <p>8 the paperwork that you had in your possession and gave</p> <p>9 to a Milwaukee Police Department personnel upon Mr.</p> <p>10 Perry's return was misplaced or lost at some point in</p> <p>11 time?</p> <p>12 A Not the discharge paperwork.</p> <p>13 Q Are you aware of any other paperwork that was</p> <p>14 misplaced as it relates to Mr. Perry?</p> <p>15 A It was my understanding that he didn't go directly to</p> <p>16 the County jail because whoever the arresting officers</p> <p>17 were -- who weren't involved in the medical run at all</p> <p>18 -- hadn't completed, you know, there's a couple of</p> <p>19 forms you have to have for the County jail to accept a</p> <p>20 prisoner.</p> <p>21 Q Which would include the discharge instructions from</p> <p>22 the emergency room?</p> <p>23 A Yes.</p> <p>24 Q And you're not aware of any point in time where those</p> <p>25 discharge instructions were lost or misplaced by</p>	<p>Page 43</p> <p>1 A Yes.</p> <p>2 Q And you're not aware of Mr. Perry having any further</p> <p>3 seizures after his discharge.</p> <p>4 A No.</p> <p>5 Q True? You are aware that the -- strike that. Under</p> <p>6 "Other Significant" at the bottom of the page it says,</p> <p>7 "All systems otherwise negative." What, if anything,</p> <p>8 does that mean to you as a prior medical professional?</p> <p>9 MR. JOHNSON: Object to foundation.</p> <p>10 But go ahead.</p> <p>11 A That he wasn't having any other problems.</p> <p>12 BY MR. GENDE:</p> <p>13 Q Do you agree with that estimation?</p> <p>14 A At the time, I would have. I mean, knowing what I</p> <p>15 know now, no.</p> <p>16 Q Let's move on to the next page. Under the</p> <p>17 "Psychological Assessment," the discharging personnel</p> <p>18 from the hospital documented that he was</p> <p>19 "psychologically appropriate"?</p> <p>20 A I see that.</p> <p>21 Q Based on your prior medical training, do you have any</p> <p>22 reason to disagree with that assessment?</p> <p>23 MR. JOHNSON: Object to foundation.</p> <p>24 A I mean, I guess I would have said he was uncooperative</p> <p>25 at the time of discharge. But as -- I don't know.</p>
<p>Page 42</p> <p>1 Milwaukee Police Department personnel?</p> <p>2 A No.</p> <p>3 Q If we could look at the next page of Exhibit No. 28,</p> <p>4 Bates 17. Have you ever reviewed these type of</p> <p>5 medical records before in your experience as either a</p> <p>6 EMT or paramedic?</p> <p>7 A No. Not a hospital form.</p> <p>8 Q Do you understand the terms that are being used in</p> <p>9 this document?</p> <p>10 A Yes.</p> <p>11 Q So for instance, under the first paragraph -- or</p> <p>12 actually the second paragraph where it says</p> <p>13 "Duration," "Timing," "Occurrence," and "Course,"</p> <p>14 those are terms you're familiar with based on your</p> <p>15 prior medical training?</p> <p>16 A Yes.</p> <p>17 Q Under "Course," it indicates that "Mr. Perry's</p> <p>18 condition was resolved upon discharge," correct?</p> <p>19 A Yes.</p> <p>20 Q Do you agree with that estimation?</p> <p>21 A Well, I think in light of his seizures, well, he</p> <p>22 didn't have any more seizures. His seizures were</p> <p>23 resolved.</p> <p>24 Q The condition of seizures were resolved upon</p> <p>25 discharge, correct?</p>	<p>Page 44</p> <p>1 This -- To me, this is very -- When I think of psych,</p> <p>2 like people having mental health issues. And this</p> <p>3 seems to kind of just how a person is, their</p> <p>4 alertness. I don't know if that would be -- For me, I</p> <p>5 would have a difficult time using this scale, because</p> <p>6 when I think of psych, I think of, you know, people</p> <p>7 having mental health. And I don't think you could</p> <p>8 evaluate him based on his condition. But I guess</p> <p>9 "uncooperative" would be what I would circle.</p> <p>10 BY MR. GENDE:</p> <p>11 Q What is a Glasgow Coma score?</p> <p>12 A That's, in my experience, that's something you use to</p> <p>13 determine someone's state after, you know, like a</p> <p>14 traumatic car accident or....</p> <p>15 Q And what is the purpose of that test?</p> <p>16 A When I was a paramedic, you would use that to, you</p> <p>17 know, if someone was in an accident and they had less</p> <p>18 than a score of 8, you would want to, you know,</p> <p>19 consider doing an intubation, or....</p> <p>20 Q What's the highest score you can get on the Glasgow</p> <p>21 Coma score?</p> <p>22 A I think it's 16.</p> <p>23 Q And if we're looking at Bates No. 18 of Exhibit 28,</p> <p>24 the emergency room personnel scored him at a 15.</p> <p>25 A Mm-hmm.</p>

Video Deposition of Corey Kroes 12/9/2013

12 (Pages 45 to 48)

Page 45	Page 47
<p>1 Q Do you see that in the middle of the page?</p> <p>2 A Yes.</p> <p>3 Q Would that suggest to you that Mr. Perry was alert and</p> <p>4 oriented at the time he was discharged?</p> <p>5 A Yes.</p> <p>6 Q Let's go on to Bates 23 of Exhibit 28, the nursing</p> <p>7 notes. The last entry is, "Assisted patient to MPD</p> <p>8 squad car with officers. Patient transferred to back</p> <p>9 seat of squad car. Alert and appropriate upon</p> <p>10 discharge." Did I read that correctly?</p> <p>11 A Yes.</p> <p>12 Q Would you agree with that assessment that was made at</p> <p>13 the time he was put into the back of your squad car?</p> <p>14 A No.</p> <p>15 Q And what would you disagree with as it relates to that</p> <p>16 assessment?</p> <p>17 MR. JOHNSON: Object to foundation.</p> <p>18 Go ahead.</p> <p>19 A He was not very alert. Like, I mean, "appropriate,"</p> <p>20 that's kind of a vague term.</p> <p>21 BY MR. GENDE:</p> <p>22 Q And did that condition that you observed change from</p> <p>23 the moment you transported him until you arrived at</p> <p>24 the Milwaukee Police Department?</p> <p>25 A No.</p>	<p>1 there said, you know, they're medically discharged --</p> <p>2 or he's medically cleared, and I think it was just</p> <p>3 understood. I don't think I had any, you know,</p> <p>4 explicit conversations.</p> <p>5 Q How did MPD personnel know the method of his discharge</p> <p>6 that you've just described, where he had to be carried</p> <p>7 or transferred into the vehicle and -- how you just</p> <p>8 described it?</p> <p>9 A I think what probably happened was after Officer Jacks</p> <p>10 called the lieutenant, and he said, "Well, if you got</p> <p>11 to carry him back, you know, then that's what you have</p> <p>12 to do," and they knew that we were coming with him,</p> <p>13 they were probably advised by him. Because we had</p> <p>14 called a couple -- another squad to come help us bring</p> <p>15 him upstairs, and so they were waiting for us when we</p> <p>16 arrived.</p> <p>17 Q "They" being who?</p> <p>18 A The officers at the jail, which I believe was Officer</p> <p>19 Ayala and Margarita. I can't think of the last name.</p> <p>20 Q So when you walked in with Perry, was he able to walk?</p> <p>21 A No.</p> <p>22 Q And you brought him up to the desk and sat him down in</p> <p>23 an area next to the desk?</p> <p>24 A Yeah. We sat him on the floor next to where -- the</p> <p>25 bench where prisoners normally sit.</p>
Page 46	Page 48
<p>1 Q And tell me how you expressed those concerns that he</p> <p>2 was not very alert to the receiving personnel at the</p> <p>3 MPD.</p> <p>4 A I mean, I think the jail personnel, they all observed</p> <p>5 him. And, you know, I said, "We went to the hospital,</p> <p>6 and this is how he is now," and they said, "He's</p> <p>7 fine."</p> <p>8 Q I understand that it's your opinion the jail personnel</p> <p>9 could observe as easily as you. That's your</p> <p>10 testimony, correct?</p> <p>11 A Yes.</p> <p>12 Q All right. My question to you is how, if at all, you</p> <p>13 expressed any concerns you had as it relates to Mr.</p> <p>14 Perry's discharge, your belief that he was not</p> <p>15 appropriate at discharge, when you arrived at the MPD</p> <p>16 facility.</p> <p>17 A Whoever was there, I would have told them, you know,</p> <p>18 he was cleared and this is his state now, you know?</p> <p>19 Q "This is his state," meaning what?</p> <p>20 A Like, this is -- He's been cleared and, you know, he's</p> <p>21 acting -- They knew we were coming from the hospital</p> <p>22 and that we were having, you know, we had to carry him</p> <p>23 and push him in a wheelchair. And they were all aware</p> <p>24 of that. So I think they were under the impression</p> <p>25 that, you know, he was uncooperative. And when we got</p>	<p>1 Q And you sat him on the floor because he couldn't sit</p> <p>2 on the bench?</p> <p>3 A Correct.</p> <p>4 Q Unable to control his body, correct?</p> <p>5 A Correct.</p> <p>6 Q And then you approached the officers, the receiving</p> <p>7 officers, and you said, "He's been medically cleared,"</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q Did you say anything else?</p> <p>11 A Not that I remember.</p> <p>12 Q And then the discharge instructions you gave to them</p> <p>13 or you gave to the lieutenant?</p> <p>14 A I don't remember walking to the lieutenant's office,</p> <p>15 which was down the hall, so I believe I handed it to</p> <p>16 somebody.</p> <p>17 Q Did you feel that upon return of Mr. Perry to the</p> <p>18 police department and based on his seizure history</p> <p>19 that he should be kept in a safe position in the event</p> <p>20 that he might seize again?</p> <p>21 A Yes.</p> <p>22 Q And tell me how you expressed that to the receiving</p> <p>23 personnel.</p> <p>24 A I'm sorry. I misunderstood your question. I thought</p> <p>25 to myself that he should, you know, be in an area free</p>

Video Deposition of Corey Kroes 12/9/2013

13 (Pages 49 to 52)

<p style="text-align: center;">Page 49</p> <p>1 of objects he could hit his head on if -- I didn't say 2 that to anybody. 3 Q You did not say that to anybody? 4 A No. 5 Q If we can look at Bates 31 of Exhibit 28? And 6 actually, before we get there, I just wanted to make 7 clear for the record, starting at page 29, you would 8 agree these are the discharge instructions for Mr. 9 Perry as it relates to the seizure activity he 10 suffered from and what he was treated for at the 11 emergency room, correct? 12 MR. JOHNSON: Object to foundation. 13 Go ahead. 14 A Yes. 15 BY MR. GENDE: 16 Q Okay. And at page 29 it says, "Home care for the 17 seizure," correct? 18 A Yes. 19 Q At the bottom of the page? And then it goes on for 20 the next several pages to discuss what a person who 21 has suffered from a seizure should look out for and be 22 careful of, true? 23 A Yes. 24 Q And as we get to page 31 of the seizure instructions, 25 there's an area that talks about getting prompt</p>	<p style="text-align: center;">Page 51</p> <p>1 already answered the question, but to make the record 2 clear, I believe you previously testified that when 3 Mr. Perry was discharged, he was unable to understand 4 any discharge instructions, correct? 5 A Correct. 6 Q And you did not relay those to him, correct? 7 A No. 8 Q And then when you arrived at the Milwaukee Police 9 Department, you would agree that Mr. Perry's state of 10 physical health had not improved at that point in 11 time, correct? 12 A Correct. 13 Q And you would agree that at that point in time you 14 didn't relay any discharge instructions to him, true? 15 A True. 16 Q And in the event that you would have, you would agree 17 that Mr. Perry would not have been able to process 18 that information, true? 19 A True. 20 Q Based on that observation and your understanding, at 21 the least, Mr. Perry was confused at the time, 22 correct? 23 A At the time, I -- I wouldn't say I could tell if he 24 was confused, because I still thought he was tired 25 because of the medication and that his actions were</p>
<p style="text-align: center;">Page 50</p> <p>1 medical attention, correct? 2 A Yes. 3 Q And according to these discharge instructions, in the 4 event that Mr. Perry, a seizure victim, remains 5 confused for more than 30 minutes after a seizure, he 6 should get prompt medical attention, correct? 7 A Correct. 8 Q If he has injury during a seizure, he should get 9 prompt medical attention, correct? 10 A Correct. 11 Q If he has unusual irritability, drowsiness, or 12 confusion, he should get prompt medical attention, 13 correct? 14 A Correct. 15 Q Did any of -- well, strike that. You would agree that 16 Mr. Perry was not able to be responsive or understand 17 his discharge instructions at the point of discharge 18 or at the point he was transferred back to the 19 Milwaukee Police Department, true? 20 MS. LAPPEN: Object as to form and it's 21 multiple. 22 But go ahead and answer. 23 A Yes. 24 BY MR. GENDE: 25 Q Based on your attorney's objection -- I believe you</p>	<p style="text-align: center;">Page 52</p> <p>1 either the result of the medication or because he was 2 being uncooperative. 3 Q He was unable to ambulate on his own. He needed 4 assistance. 5 A I don't know if that's because he didn't want to or if 6 he couldn't. 7 Q When he was moaning and groaning in the back of the 8 car, do you believe he was faking it at the time? 9 A I don't know. I mean, I didn't know what he -- if it 10 was. 11 Q What, if anything, did you do to determine whether or 12 not Mr. Perry was actually continuing to suffer or was 13 faking moaning and groaning in the back of the squad 14 during the time period in question? 15 A There was -- I don't think there was anything I could 16 do. I was -- What I thought was based off of what I 17 was told by the hospital, that.... 18 Q Did you consider taking him to another hospital for a 19 further evaluation? 20 A No. 21 Q Anything that would have prevented you from doing 22 that? 23 A No. 24 Q Other hospitals in the local area can accept prisoners 25 that are in need of emergent medical attention,</p>

Video Deposition of Corey Kroes 12/9/2013

14 (Pages 53 to 56)

Page 53	Page 55
<p>1 correct?</p> <p>2 A Yes.</p> <p>3 Q There's no policy and procedure that you're aware of</p> <p>4 that prevented you from taking Mr. Perry to another</p> <p>5 hospital once he was discharged from Aurora, true?</p> <p>6 A True.</p> <p>7 Q Your testimony is that Mr. Perry was drowsy, correct?</p> <p>8 A Correct.</p> <p>9 Q Did you think it was usual or unusual that he was</p> <p>10 suffering from this drowsiness?</p> <p>11 A Before discharge, I thought it was unusual. But I was</p> <p>12 assured that it was a side-effect of the medication.</p> <p>13 Q At any point in time did you consider getting prompt</p> <p>14 medical attention for Mr. Perry based on his moaning</p> <p>15 and groaning in the back of the squad during his</p> <p>16 return to MPD, his inability to ambulate once you were</p> <p>17 back at the police department, his inability to sit up</p> <p>18 on a bench based on his physical condition and his</p> <p>19 nonresponsiveness to any questions and inability to</p> <p>20 process discharge instructions?</p> <p>21 A No.</p> <p>22 Q Did you instruct anybody upon Mr. Perry's return at</p> <p>23 the Milwaukee Police Department to observe for</p> <p>24 possible side-effects as it relates to the Dilantin of</p> <p>25 wobbly gait, poor balance or coordination, slurred</p>	<p>1 Q My first question is, other than the fact that you did</p> <p>2 not review the discharge instructions yourself, was</p> <p>3 there any other reason why you did not relay those</p> <p>4 discharge instructions regarding Mr. Perry when you</p> <p>5 brought him back to the police station and turned him</p> <p>6 over to the receiving MPD personnel?</p> <p>7 A No. We don't normally relay the instructions. We</p> <p>8 hand it to the jail supervisor, and they do whatever</p> <p>9 they do with them.</p> <p>10 Q So other than not reading them --</p> <p>11 A Yeah.</p> <p>12 Q -- the only other reason you would not have relayed it</p> <p>13 is because you assumed that the receiving personnel,</p> <p>14 whether it's the supervisor or the police officers you</p> <p>15 previously described, would look at those discharge</p> <p>16 instructions and understand them without your further</p> <p>17 involvement.</p> <p>18 A Yes.</p> <p>19 Q Do you know if that in fact occurred?</p> <p>20 A I don't know.</p> <p>21 Q Any reason as we sit here today why you could think of</p> <p>22 that it would not have occurred the way that you've</p> <p>23 described it?</p> <p>24 A No.</p> <p>25 Q And by the way, if you need to take a break at any</p>
Page 54	Page 56
<p>1 speech, jerky eye movement, drowsiness?</p> <p>2 A No.</p> <p>3 Q If you can look at page 32 of Exhibit No. 28, you</p> <p>4 would agree, at the top of the page, those were the</p> <p>5 discharge instructions for Mr. Perry, correct?</p> <p>6 A Yes.</p> <p>7 Q And other than the fact that you didn't read the</p> <p>8 discharge instructions yourself, is there any other</p> <p>9 reason why you would fail to relay that information to</p> <p>10 the receiving Milwaukee Police Department personnel?</p> <p>11 A Well, I handed them the paperwork and they would</p> <p>12 review it themselves.</p> <p>13 Q So other than the fact that you didn't review the</p> <p>14 discharge instructions, there is no other reason that</p> <p>15 you're aware of that prevented you from relaying these</p> <p>16 discharge instructions to the receiving MPD personnel</p> <p>17 other than your assumption that they would read them</p> <p>18 themselves.</p> <p>19 MR. BOHL: Object to the form of the</p> <p>20 question.</p> <p>21 BY MR. GENDE:</p> <p>22 Q Do you understand my question?</p> <p>23 A If you could rephrase it?</p> <p>24 Q Let me try and clean it up.</p> <p>25 A Okay.</p>	<p>1 time, and I assume your attorney instructed you,</p> <p>2 you're free to go off the record, and we can take a</p> <p>3 break. Do you need a break now?</p> <p>4 A No.</p> <p>5 (Exhibit 29 identified)</p> <p>6 Q Okay. I'm going to show you what we've marked as</p> <p>7 Exhibit No. 29. This is a medical receiving screening</p> <p>8 form, Milwaukee Police Department, Bates No. 8. Are</p> <p>9 you familiar with this document?</p> <p>10 A Yes.</p> <p>11 Q Have you ever seen this document before as it relates</p> <p>12 to Mr. Perry?</p> <p>13 A No.</p> <p>14 Q Have you ever filled out a document like this?</p> <p>15 A No.</p> <p>16 Q Do you know who Officer Chaquila Peavy is?</p> <p>17 A Yes.</p> <p>18 Q Did you ever have any discussions with her about Mr.</p> <p>19 Perry at any point in time?</p> <p>20 A No. I think at the time she worked late shift, so I</p> <p>21 never had any contact with her.</p> <p>22 Q What is your understanding, if any, about this form as</p> <p>23 it relates to Mr. Perry on the night in question?</p> <p>24 A I know that whenever a prisoner is booked in, they are</p> <p>25 asked questions by the booking officer. And then,</p>

Video Deposition of Corey Kroes 12/9/2013

15 (Pages 57 to 60)

<p style="text-align: center;">Page 57</p> <p>1 based -- you know, they generate this report based off 2 their answers. 3 Q So this report, based on your understanding, would 4 have been generated prior to Mr. Perry seizing at the 5 police station and subsequently being transferred to 6 the emergency room, correct? 7 A Yes. 8 Q And according to this report, Mr. Perry had not 9 suffered from blackouts, correct? That would be about 10 halfway down the page? 11 A Correct. 12 Q That Mr. Perry was not combative, correct? Top of the 13 page? 14 A Correct. 15 Q And that Mr. Perry was not intoxicated, correct? 16 A Correct. 17 Q Any reason based on your observations to disagree with 18 the information documented in Exhibit No. 29? 19 A No. 20 Q I'm going to show you what we've marked as Exhibit No. 21 30. Can you identify that document for the record? 22 (Exhibit 30 identified) 23 A This is the incident report of when I was interviewed. 24 Q And this is one of the documents that you testified 25 you reviewed prior to the deposition here today,</p>	<p style="text-align: center;">Page 59</p> <p>1 it says, "Kroes spoke to Perry. He asked Perry how he 2 got arrested. Perry said nothing, but he was sitting 3 up, not fully alert. Perry had a oxygen mask on." 4 This was during the transport in the ambulance, 5 correct? 6 A Yes. 7 Q And those were all accurate observations by you? 8 A Yes. 9 Q Did Perry remove his oxygen mask at any point in time 10 during the transport? 11 A Not that I can remember. 12 Q Did he have any coherent conversation with you through 13 the oxygen mask? 14 A Yes. He wanted to use the bathroom. 15 Q So he said, "I want to use the bathroom," and you 16 could understand that through the mask? 17 A Yes. 18 Q Did he say anything else through the mask that you 19 were able to understand? 20 A Not that I remember. 21 Q You go on to state on the second page about the fifth 22 paragraph down that doctor -- "The doctor gave Perry a 23 five to ten-minute exam." Do you see where I read 24 that? 25 A Yes.</p>
<p style="text-align: center;">Page 58</p> <p>1 correct? 2 A Yes. 3 Q And that would have been done during the course of 4 your meeting with Ms. Lappen? 5 A Correct. 6 Q Had you reviewed it at any other point in time prior 7 to sitting down with Ms. Lappen? 8 A I may have read it once when I was in the office. 9 Q Read it before or after litigation had started? 10 A Probably afterwards. 11 Q Were you investigated as it relates to your conduct on 12 the night in question? 13 A Outside of the interview, no. 14 Q Did any MPD personnel suggest to you that you may be 15 subject to discipline based on your conduct on the 16 night in question? 17 A No. 18 Q The first page of the report says that your med run 19 with Mr. Perry was your first and ultimately only 20 assignment of the day. Is that accurate? It's the 21 third paragraph. 22 A I -- Yeah. I feel like we did -- we went to a 23 different -- a call afterwards, but I don't know for 24 sure. That would end up being most of our day. 25 Q At the bottom of the page, first page of this report,</p>	<p style="text-align: center;">Page 60</p> <p>1 Q Did you actually observe the doctor doing that? 2 A Yes. 3 Q Subsequently, you reported that "Perry seemed like he 4 was trying to say something." Was that in the 5 presence of the doctor? 6 MR. LARSON: Where are you looking at? I'm 7 sorry. 8 MR. GENDE: That's the next paragraph. 9 A No. I believe I was the only one in the room at the 10 time. 11 Q Did he have anything over his mouth? 12 A No. I think the oxygen mask was removed. 13 Q You understand or at least observed that Perry then 14 went into another full-body, violent seizure, correct? 15 A Correct. 16 Q Was he laying in the bed at the time? 17 A Yes. 18 Q Did he strike his head on anything? 19 A No. 20 Q Was he restrained to the bed? 21 A He had one arm handcuffed to the bed, and I believe he 22 had the shackles on. 23 Q Did you try holding him down? 24 A No. 25 Q Did you go to seek further assistance?</p>

Video Deposition of Corey Kroes 12/9/2013

16 (Pages 61 to 64)

<p style="text-align: center;">Page 61</p> <p>1 A Yes.</p> <p>2 Q How long were you away from Perry during that time?</p> <p>3 A I don't think I ever left the room. I just went to</p> <p>4 the door and said, "Hey, he's having a seizure."</p> <p>5 Q Where was Officer Jacks at that time?</p> <p>6 A I think she was using the bathroom.</p> <p>7 Q After that first seizure, you observed him to be</p> <p>8 breathing shallow and fast, he was being given oxygen,</p> <p>9 and he was mumbling and you could not understand him,</p> <p>10 true?</p> <p>11 A Yes.</p> <p>12 Q You then waited for 30 minutes and took a break?</p> <p>13 A Yes.</p> <p>14 Q And Jacks stayed with Perry during that time, correct?</p> <p>15 A Correct. Sorry.</p> <p>16 Q Did his physical condition from how you just described</p> <p>17 it based on your interview get better or worse prior</p> <p>18 to his subsequent discharge?</p> <p>19 A I would say it was about the same.</p> <p>20 Q So his breathing remained shallow and fast, he was</p> <p>21 mumbling, and whatever he was saying was</p> <p>22 unintelligible?</p> <p>23 A Yes.</p> <p>24 Q And that never changed from that moment forward, true?</p> <p>25 A No. I think it stayed the same.</p>	<p style="text-align: center;">Page 63</p> <p>1 A Correct.</p> <p>2 Q That sounds like his condition was deteriorating after</p> <p>3 the first seizure, does it not?</p> <p>4 MR. JOHNSON: Object to form.</p> <p>5 Go ahead.</p> <p>6 BY MR. GENDE:</p> <p>7 Q I'm sorry. After the second seizure.</p> <p>8 A And that was -- Well, that was after they gave him the</p> <p>9 medication too, after he had an I.V. bag.</p> <p>10 Q Finally, you were able to get him to sit up with</p> <p>11 yourself, Officer Jacks, and the nurse, correct?</p> <p>12 A Correct.</p> <p>13 Q And then he began drooling, correct?</p> <p>14 A Correct.</p> <p>15 Q At that point you felt there was something wrong,</p> <p>16 right?</p> <p>17 A Correct.</p> <p>18 Q And tell me how your concern in that regard was</p> <p>19 addressed.</p> <p>20 A I spoke with Becky, and I said, "You know, this</p> <p>21 doesn't seem right. Can you just have the doctor come</p> <p>22 back in?"</p> <p>23 Q Was the doctor brought back in?</p> <p>24 A No.</p> <p>25 Q Did the nurse actually say she thought Perry was</p>
<p style="text-align: center;">Page 62</p> <p>1 Q Did it get any worse?</p> <p>2 A I don't think so.</p> <p>3 Q You go on to state in the next couple paragraphs that</p> <p>4 "Perry seemed very tired, he had a much more difficult</p> <p>5 time walking, he had a hard time keeping his balance."</p> <p>6 And you said it was common for a seizure victim to be</p> <p>7 very tired?</p> <p>8 A Yes.</p> <p>9 Q So that was your own observation as opposed to</p> <p>10 something anybody at the emergency room told you?</p> <p>11 A Correct.</p> <p>12 Q Just prior to discharge, you were attempting to wake</p> <p>13 Mr. Perry up and having difficulty, correct?</p> <p>14 A Correct.</p> <p>15 Q He kept falling back asleep?</p> <p>16 A Correct.</p> <p>17 Q You had to actually assist Mr. Perry in getting his</p> <p>18 shoes on?</p> <p>19 A Yes.</p> <p>20 Q And when he was transferred, it took two officers and</p> <p>21 a nurse to bear all of his weight, correct?</p> <p>22 A Correct.</p> <p>23 Q He was mumbling?</p> <p>24 A Correct.</p> <p>25 Q And occasionally he would scream, true?</p>	<p style="text-align: center;">Page 64</p> <p>1 faking?</p> <p>2 A Yes.</p> <p>3 Q And what, if anything, did you do to dispel the</p> <p>4 nurse's belief that Mr. Perry was faking?</p> <p>5 A I just said, "I just don't think" -- "he just doesn't</p> <p>6 seem like he's right."</p> <p>7 Q You didn't believe he was faking, correct?</p> <p>8 A No. Not at first.</p> <p>9 Q You'd seen him deteriorate over time to the point</p> <p>10 where he was drooling, he couldn't support himself, he</p> <p>11 was having difficulty breathing, he was mumbling, and</p> <p>12 at one point screaming, you had to put his shoes on,</p> <p>13 it took three of you to lift him up. Did that seem</p> <p>14 like he was faking to you at the time?</p> <p>15 MR. JOHNSON: Object to form.</p> <p>16 Go ahead.</p> <p>17 A It's -- It was hard for me to say what he would have</p> <p>18 been faking about. If, you know, sometimes what -- In</p> <p>19 other cases when we arrest people, they will go limp,</p> <p>20 you know, will do a lot of the things that he did, and</p> <p>21 it was hard -- but it was hard to say that, what it</p> <p>22 was, if it was from the medication or if he was doing</p> <p>23 that intentionally.</p> <p>24 Q What --</p> <p>25 A I didn't think that -- I didn't think that his</p>

Video Deposition of Corey Kroes 12/9/2013

17 (Pages 65 to 68)

<p style="text-align: center;">Page 65</p> <p>1 tiredness was him faking. I thought maybe some of the</p> <p>2 other things, he might have been. Just as from</p> <p>3 experience, it has happened before.</p> <p>4 BY MR. GENDE:</p> <p>5 Q Do you think he was faking his violent seizure that</p> <p>6 you observed and called for help?</p> <p>7 A No.</p> <p>8 Q Do you think he was faking his seizure when he was at</p> <p>9 the police department initially and struck his head?</p> <p>10 A No.</p> <p>11 Q So based on the information that you had regarding Mr.</p> <p>12 Perry's prior medical incidents and occurrences, the</p> <p>13 totality of circumstances suggested to you that he was</p> <p>14 now faking mumbling, screaming, inability to walk,</p> <p>15 inability to set himself up, inability to put his own</p> <p>16 shoes on?</p> <p>17 A At the time, I wasn't sure.</p> <p>18 Q At some point later in time did you become sure</p> <p>19 whether you thought he was faking or actually</p> <p>20 suffering from some medical condition?</p> <p>21 A No. I never -- I believed after he left that, you</p> <p>22 know, since they were -- the hospital was so certain</p> <p>23 that the medication was causing his tiredness and</p> <p>24 weakness. But the other things, I -- no, I wasn't</p> <p>25 sure.</p>	<p style="text-align: center;">Page 67</p> <p>1 Q Were his eyes open?</p> <p>2 A I believe so.</p> <p>3 Q Had he urinated or defecated on himself at that point</p> <p>4 in time?</p> <p>5 A He did at some point in the jail.</p> <p>6 Q But I'm talking about when you were carrying him with</p> <p>7 five other individuals to the jail cell.</p> <p>8 A I -- Yes.</p> <p>9 Q He had.</p> <p>10 A Yes.</p> <p>11 Q Did you ask him why he did that?</p> <p>12 A No.</p> <p>13 Q Did you try and determine why somebody who you'd been</p> <p>14 with at the hospital for several hours, were concerned</p> <p>15 about his subsequent discharge, his ongoing inability</p> <p>16 to respond to your questions, is mumbling, is</p> <p>17 screaming, and now the fact that he'd urinated and</p> <p>18 defecated on himself, did you try and determine the</p> <p>19 cause of that?</p> <p>20 A No.</p> <p>21 Q Any particular reason why not?</p> <p>22 A No.</p> <p>23 Q Prior to the six-officer transfer from the floor to</p> <p>24 the jail cell, you documented in your report that</p> <p>25 Perry was weak, correct?</p>
<p style="text-align: center;">Page 66</p> <p>1 Q So when you return him to the police department, did</p> <p>2 you think Mr. Perry was faking any of his conditions</p> <p>3 at that point in time?</p> <p>4 A No, I don't -- Well, it's hard to say. I think that</p> <p>5 it, you know, when -- The part of him not walking,</p> <p>6 maybe he was doing that intentionally, but I wasn't</p> <p>7 100 percent sure.</p> <p>8 Q Once you returned Mr. Perry to the police department</p> <p>9 and sat him down or laid him down next to the bench</p> <p>10 because he was unable to sit on his own, did you have</p> <p>11 any further contact with him?</p> <p>12 A After -- Well, we carried him to the jail cell. And</p> <p>13 after that, no.</p> <p>14 Q When you say "we carried him," how many people carried</p> <p>15 him?</p> <p>16 A I believe six.</p> <p>17 Q And tell me how he was carried.</p> <p>18 A By his arms, legs, and torso.</p> <p>19 Q Was he able to ambulate on his own?</p> <p>20 A No.</p> <p>21 Q Was he responding to any inquiries by police</p> <p>22 department personnel?</p> <p>23 A No.</p> <p>24 Q Did you check his eyes?</p> <p>25 A No.</p>	<p style="text-align: center;">Page 68</p> <p>1 A Correct.</p> <p>2 Q That his resistance was limited, true?</p> <p>3 A Correct.</p> <p>4 Q Did he get stronger?</p> <p>5 A No.</p> <p>6 Q Did his resistance get stronger?</p> <p>7 A No.</p> <p>8 Q You would agree that he continued to deteriorate,</p> <p>9 correct?</p> <p>10 A I would -- I would say he stayed roughly the same.</p> <p>11 Q Had he urinated or defecated on himself prior to being</p> <p>12 released from the emergency room?</p> <p>13 A No.</p> <p>14 Q Did that happen in the back of the squad upon transfer</p> <p>15 back to MPD?</p> <p>16 A I don't think so.</p> <p>17 Q You would agree that somebody who urinates and</p> <p>18 defecates on themselves may not be in control of their</p> <p>19 bodily functions?</p> <p>20 A I've -- I have had prisoners in the past that have</p> <p>21 soiled themselves on purpose.</p> <p>22 Q Did you believe that Mr. Perry soiled himself on</p> <p>23 purpose?</p> <p>24 A I don't know.</p> <p>25 Q Did you ask him if he soiled himself on purpose?</p>

Video Deposition of Corey Kroes 12/9/2013

18 (Pages 69 to 72)

<p style="text-align: center;">Page 69</p> <p>1 A No.</p> <p>2 Q In the event that you would have, was he coherent</p> <p>3 enough to respond?</p> <p>4 A I don't think he would have responded.</p> <p>5 Q Why not?</p> <p>6 A I don't know.</p> <p>7 Q Why was there confusion as to what cell to place him</p> <p>8 in?</p> <p>9 A I don't know. That's probably a jail policy.</p> <p>10 Sometimes there's prisoners that need to be isolated</p> <p>11 because of something they're arrested for, and I think</p> <p>12 they were trying to find -- I don't know. There's --</p> <p>13 We have so many jail cells that, you know, I'm not</p> <p>14 sure how they do -- how they choose what goes where.</p> <p>15 Q Did anybody at the emergency room say that the</p> <p>16 administration of Dilantin would cause an individual</p> <p>17 to urinate and defecate on themselves?</p> <p>18 A No.</p> <p>19 Q That would have been outside the parameters of</p> <p>20 something to watch for as it relates to how Dilantin</p> <p>21 affects somebody, correct?</p> <p>22 MS. LAPPEN: Objection as to form.</p> <p>23 Go ahead and answer.</p> <p>24 BY MR. GENDE:</p> <p>25 Q At least based on the instruction that you received</p>	<p style="text-align: center;">Page 71</p> <p>1 Q After Mr. Perry was put into this cell and after you -</p> <p>2 - strike that. After yourself and five other officers</p> <p>3 carried Mr. Perry to his cell and then held him for</p> <p>4 ten minutes because you didn't know what cell to put</p> <p>5 him in, you removed his handcuffs, correct?</p> <p>6 A Somebody did. I didn't do that myself, but it was --</p> <p>7 Q They were your cuffs?</p> <p>8 A Yes.</p> <p>9 Q And your next step in the process was to go and</p> <p>10 disinfect your handcuffs, correct?</p> <p>11 A Correct.</p> <p>12 Q Did you ever check back on Mr. Perry?</p> <p>13 A No.</p> <p>14 Q So your primary concern after this two to three-hour</p> <p>15 process with Mr. Perry, turning him over without</p> <p>16 informing anybody of the discharge instructions,</p> <p>17 observing that he had urinated and defecated on</p> <p>18 himself, was unable to walk, you disinfected your</p> <p>19 handcuffs and left.</p> <p>20 A Yes.</p> <p>21 MR. GENDE: I think now is a good time for a</p> <p>22 break. How long would you like to take for</p> <p>23 lunch?</p> <p>24 THE REPORTER: Let's go off the record.</p> <p>25 (Off the record 11:48 - 12:32)</p>
<p style="text-align: center;">Page 70</p> <p>1 from the emergency --</p> <p>2 A It was never -- I'm sorry. It was never mentioned.</p> <p>3 Q So you would agree that that condition that Mr. Perry</p> <p>4 suffered from after release and upon the return to the</p> <p>5 jail cell, the urination and the defecation on</p> <p>6 himself, would certainly be a change in physical</p> <p>7 condition, true?</p> <p>8 A It could be, yes.</p> <p>9 Q And what, if anything, did you do at that time to</p> <p>10 determine whether or not Mr. Perry was faking</p> <p>11 urination and defecation on himself or it was due to</p> <p>12 his inability to control his bodily functions?</p> <p>13 A I didn't do anything.</p> <p>14 Q In the event that you were treating Mr. Perry as</p> <p>15 either an EMT or a paramedic and he had suffered from</p> <p>16 the same conditions over a two or three-hour time</p> <p>17 period, what, if any, responsibility would you have</p> <p>18 had to him to try and determine why he was now losing</p> <p>19 his bodily functions after being unable to walk, you</p> <p>20 observing him mumbling and screaming, not being able</p> <p>21 to put on his own shoes, suffering from shallow</p> <p>22 breathing, and essentially nonresponsive?</p> <p>23 A Find out why.</p> <p>24 Q As an EMT you would have done that, correct?</p> <p>25 A Correct.</p>	<p style="text-align: center;">Page 72</p> <p>1 THE REPORTER: We're back on the record.</p> <p>2 We've taken a brief break for lunch. Mr. Gende.</p> <p>3 MR. GENDE: Thank you.</p> <p>4 Q Officer, when it took six individuals to transfer Mr.</p> <p>5 Perry from the floor of the -- Is it called the</p> <p>6 bullpen, or what would you call that at MPD?</p> <p>7 A I mean, it's kind of just a hallway. The bull--</p> <p>8 Q Receiving area?</p> <p>9 A I mean, generally just the booking area.</p> <p>10 Q Okay. When it took six officers to transfer Mr. Perry</p> <p>11 from the booking area to the cell, did he have any</p> <p>12 blood on his body at the time?</p> <p>13 A No.</p> <p>14 Q He was not bleeding from the ear or his mouth?</p> <p>15 A No.</p> <p>16 Q Had a spit mask been put on at that point?</p> <p>17 A Yes.</p> <p>18 Q So before he went into the cell, a spit mask was put</p> <p>19 on?</p> <p>20 A Yes.</p> <p>21 Q And did you see any blood anywhere on the spit mask?</p> <p>22 A No.</p> <p>23 Q Did you see any blood anywhere on any part of his</p> <p>24 clothing?</p> <p>25 A Not that I remember.</p>

Video Deposition of Corey Kroes 12/9/2013

19 (Pages 73 to 76)

<p style="text-align: center;">Page 73</p> <p>1 Q Were his pants up or down at the time?</p> <p>2 A Up.</p> <p>3 Q And how did you know that he had urinated and</p> <p>4 defecated on himself?</p> <p>5 A I saw that his pants were wet and you could smell it.</p> <p>6 Q You could smell it. Do you know when he had urinated</p> <p>7 and defecated on himself?</p> <p>8 A Sometime after we arrived at the jail.</p> <p>9 Q Did you observe him go through that process?</p> <p>10 A No.</p> <p>11 Q Was the spit mask put on Mr. Perry while he was still</p> <p>12 on the ground and before being walked to the jail</p> <p>13 cell?</p> <p>14 A It was while we were waiting to -- for wherever he was</p> <p>15 going.</p> <p>16 Q And was anybody restraining Mr. Perry at the time...</p> <p>17 A I believe --</p> <p>18 Q ...while he was on the floor?</p> <p>19 A I believe he had -- still had handcuffs and shackles.</p> <p>20 Q Was anybody hands-on with Mr. Perry while he was on</p> <p>21 the floor?</p> <p>22 A We were holding him upright.</p> <p>23 Q "We" being who?</p> <p>24 A Myself, I believe Officer Jacks was there, and Officer</p> <p>25 Bungert.</p>	<p style="text-align: center;">Page 75</p> <p>1 Q And is that a sort of unwritten policy or</p> <p>2 understanding with the Milwaukee Police Department</p> <p>3 that if a person in custody is talking then obviously</p> <p>4 they're breathing?</p> <p>5 MS. LAPPEN: Objection as to form.</p> <p>6 Go ahead and answer.</p> <p>7 A No. That was -- That was something I learned from</p> <p>8 working at the hospital.</p> <p>9 BY MR. GENDE:</p> <p>10 Q Have you ever seen any interviews done by Chief Flynn</p> <p>11 regarding this case?</p> <p>12 A Yeah, I think I watched an interview. I don't know</p> <p>13 which one.</p> <p>14 Q And do you recall Chief Flynn saying words to the</p> <p>15 extent that, you know, "It's common sense to our</p> <p>16 officers that if somebody is talking, they're</p> <p>17 breathing"?</p> <p>18 A Yes.</p> <p>19 Q And when you heard Chief Flynn say that, was it your</p> <p>20 understanding that it was kind of common knowledge</p> <p>21 amongst your fellow officers that if you have somebody</p> <p>22 in custody and they're complaining they can't breathe,</p> <p>23 the response is, "If you're talking, you're</p> <p>24 breathing"?</p> <p>25 MS. LAPPEN: Objection to form and</p>
<p style="text-align: center;">Page 74</p> <p>1 Q Were you applying any pressure or any type of pressure</p> <p>2 hold?</p> <p>3 A No.</p> <p>4 Q Was he resisting at the time?</p> <p>5 A Technically, I would -- we thought yes, but it wasn't</p> <p>6 very strong resistance.</p> <p>7 Q He was not saying anything coherent to you, correct?</p> <p>8 A No.</p> <p>9 Q And were any questions asked while he was on the floor</p> <p>10 before the transfer to the jail cell?</p> <p>11 A Not that I remember.</p> <p>12 Q Could you tell whether he was having any difficulty</p> <p>13 breathing?</p> <p>14 A It didn't seem like he was.</p> <p>15 Q Were you aware of any point in time from when he was</p> <p>16 returned to the jail and before he was -- I'm sorry --</p> <p>17 when he was returned to the booking area and before he</p> <p>18 was put into the jail cell where he was having</p> <p>19 difficulty breathing?</p> <p>20 A He might have said -- I think -- Actually, now when he</p> <p>21 had the spit mask on, I think he might said that he</p> <p>22 couldn't breathe.</p> <p>23 Q Did you hear any officer say to him, "If you're</p> <p>24 talking, you're breathing"?</p> <p>25 A That was me.</p>	<p style="text-align: center;">Page 76</p> <p>1 foundation.</p> <p>2 Go ahead and answer.</p> <p>3 BY MR. GENDE:</p> <p>4 Q If you know.</p> <p>5 A I don't -- As for the department, I don't know.</p> <p>6 That's something that was said a lot when I worked as</p> <p>7 an EMT in the hospital.</p> <p>8 Q Something that you would say to somebody generally?</p> <p>9 A Mm-hmm. Yes.</p> <p>10 Q If they would complain of having difficulty breathing,</p> <p>11 your response as an EMT was, "If you're talking,</p> <p>12 you're breathing"?</p> <p>13 A Sometimes, yes.</p> <p>14 Q Under what circumstances?</p> <p>15 A Well, the time I use it the most is like my wife has</p> <p>16 asthma, she has really bad asthma. And she'll think</p> <p>17 she's having a really bad attack, and she'll start to</p> <p>18 psych herself out. And I will tell her that, and it's</p> <p>19 helped her realize, okay, I am breathing, I just need</p> <p>20 to focus on that.</p> <p>21 Q At the time when your wife would have these asthma</p> <p>22 attacks and you would say, "You're talking, you're</p> <p>23 breathing," and help her relax, was she coherent?</p> <p>24 A Yes.</p> <p>25 Q Had she urinated or defecated on herself?</p>

Video Deposition of Corey Kroes 12/9/2013

20 (Pages 77 to 80)

<p style="text-align: center;">Page 77</p> <p>1 A No.</p> <p>2 Q Had you had to hold her up to transfer her from place</p> <p>3 to place?</p> <p>4 A No.</p> <p>5 Q Had she suffered a minimum of three seizures within</p> <p>6 the prior three hours?</p> <p>7 A No.</p> <p>8 Q Had she been given Dilantin?</p> <p>9 A No.</p> <p>10 Q Were you aware that if she had been given Dilantin,</p> <p>11 she may be drowsy?</p> <p>12 A No.</p> <p>13 Q Do you know when blood first appeared on Mr. Perry's</p> <p>14 spit mask after he was returned from the ER and after</p> <p>15 you helped to place him in the jail cell?</p> <p>16 A No.</p> <p>17 Q Do you know when blood first appeared on his shirt?</p> <p>18 A No.</p> <p>19 Q Do you know when blood first appeared around his groin</p> <p>20 area?</p> <p>21 A No.</p> <p>22 Q You would agree as an EMT that if there is blood on</p> <p>23 somebody's shirt, blood in a spit mask, and blood in</p> <p>24 the groin area, urination and defecation on the body,</p> <p>25 that would suggest a change in condition from somebody</p>	<p style="text-align: center;">Page 79</p> <p>1 A Yes.</p> <p>2 Q Do you know if he was having any difficulty breathing</p> <p>3 at that time?</p> <p>4 A I do not know.</p> <p>5 Q Were you able to take his vital signs?</p> <p>6 A No.</p> <p>7 Q Do you know if he had a temperature?</p> <p>8 A No.</p> <p>9 Q Do you know what his pulse was?</p> <p>10 A No.</p> <p>11 Q Do you know what his respiratory rate was?</p> <p>12 A No.</p> <p>13 Q Do you know if his eyes were open or closed?</p> <p>14 A No.</p> <p>15 Q So you don't know if he was conscious or unconscious</p> <p>16 when he was placed on the floor.</p> <p>17 A He was still making noises.</p> <p>18 Q What kind of noises?</p> <p>19 A Mumbling and moaning.</p> <p>20 Q When you told Mr. Perry that "you're talking" --</p> <p>21 strike that. When Mr. Perry complained he couldn't</p> <p>22 breathe and you said, "If you're talking, you're</p> <p>23 breathing," did you hear anybody else say anything to</p> <p>24 him at that time?</p> <p>25 A Not that I remember.</p>
<p style="text-align: center;">Page 78</p> <p>1 who had not suffered any of those symptoms previously.</p> <p>2 A It could be, yes.</p> <p>3 MS. LAPPEN: Objection as to form.</p> <p>4 Go ahead and answer.</p> <p>5 BY MR. GENDE:</p> <p>6 Q What's a "medical emergency," in your opinion?</p> <p>7 A That would be a situation where someone's life is in</p> <p>8 immediate danger.</p> <p>9 Q Is that the full definition of "medical emergency" as</p> <p>10 far as you're concerned?</p> <p>11 A Yes.</p> <p>12 Q Are Milwaukee Police Department personnel trained in</p> <p>13 recognizing a medical emergency?</p> <p>14 A To an extent. I would say with people that are</p> <p>15 unconscious and not breathing.</p> <p>16 Q So is it your testimony here today that you were</p> <p>17 trained as a Milwaukee Police Department officer that</p> <p>18 a medical emergency is somebody who is a pulseless</p> <p>19 nonbreather -- I'm sorry -- somebody who is</p> <p>20 unconscious and not breathing?</p> <p>21 A Yes.</p> <p>22 Q Tell me how Mr. Perry was placed in the jail cell when</p> <p>23 he was being transferred by six officers.</p> <p>24 A He was laid on the ground, flat on the ground.</p> <p>25 Q On his back?</p>	<p style="text-align: center;">Page 80</p> <p>1 Q And when Mr. Perry complained that he couldn't breathe</p> <p>2 and you said, "You're talking, you're breathing," did</p> <p>3 you check his pulse?</p> <p>4 A No.</p> <p>5 Q Did you check his respiratory rate?</p> <p>6 A No.</p> <p>7 Q Did you check his temperature?</p> <p>8 A No.</p> <p>9 Q Did you take any vital signs?</p> <p>10 A No.</p> <p>11 Q Did you attempt to render any first aid?</p> <p>12 A No.</p> <p>13 Q Did you ever determine whether Mr. Perry was suffering</p> <p>14 from any pain or discomfort?</p> <p>15 A No.</p> <p>16 Q Did you ever attempt to make that determination?</p> <p>17 A No.</p> <p>18 (Exhibit 31 identified)</p> <p>19 Q I'm going to show you what we've marked as Exhibit No.</p> <p>20 31, "Milwaukee Police Department Standard Operating</p> <p>21 Procedures 090," as it relates to prisoners, effective</p> <p>22 date May 19th, 2010. Would you agree that these</p> <p>23 policies and procedures were in place prior to Mr.</p> <p>24 Perry's death, at least according to Bates No.</p> <p>25 MPD00463?</p>

Video Deposition of Corey Kroes 12/9/2013

21 (Pages 81 to 84)

<p style="text-align: center;">Page 81</p> <p>1 A Yes.</p> <p>2 Q Had you ever reviewed these prior to Mr. Perry's</p> <p>3 death?</p> <p>4 A Yes, I'm sure I've read over them.</p> <p>5 Q You would admit as a Milwaukee police officer you were</p> <p>6 required to understand the policies and procedures</p> <p>7 that regulated your conduct, correct?</p> <p>8 A Yes.</p> <p>9 Q Not only understand them, but to adhere to them, true?</p> <p>10 A Yes.</p> <p>11 Q Are you aware of any policies and procedures by the</p> <p>12 Milwaukee Police Department that you're not required</p> <p>13 to follow?</p> <p>14 A No.</p> <p>15 Q If we can look at Bates No. 0480 of Exhibit No. 31,</p> <p>16 it's talking about prisoners, at the top, and</p> <p>17 investigative holds. Do you see where I've read that?</p> <p>18 A Yes.</p> <p>19 Q What is an "investigative hold"?</p> <p>20 A That's normally when someone is arrested and is at</p> <p>21 some point on state charges where they would go to</p> <p>22 CJF. Normally, as soon as the paperwork, the arrest</p> <p>23 paperwork is completed, the next time the prisoner bus</p> <p>24 comes around, they just take them directly to CJF. A</p> <p>25 "hold" would be, is if someone wants to keep them at</p>	<p style="text-align: center;">Page 83</p> <p>1 the discharge papers?</p> <p>2 A No.</p> <p>3 Q Did you ever talk to Lieutenant Robbins after Mr.</p> <p>4 Perry passed away --</p> <p>5 A No.</p> <p>6 Q -- about that incident?</p> <p>7 A No.</p> <p>8 Q And he never talked to you about it?</p> <p>9 A No.</p> <p>10 Q To you, is there a distinction between your definition</p> <p>11 of a medical emergency and someone who is suffering</p> <p>12 from a serious medical condition?</p> <p>13 A I guess, yeah, there could be. There's people that,</p> <p>14 you know, live every day with a serious condition.</p> <p>15 Q Would you agree that a serious medical condition is</p> <p>16 defined as "a condition that is life-threatening, can</p> <p>17 cause serious disability if not treated, can cause</p> <p>18 significant pain or discomfort, and requires medical</p> <p>19 treatment or medication or requires constant</p> <p>20 monitoring by medical personnel"?</p> <p>21 A Yes.</p> <p>22 Q When Mr. Perry was saying he can't breathe and you</p> <p>23 were standing over him and told him, "If you can talk,</p> <p>24 you can breathe," did you also hear Mr. Perry, say,</p> <p>25 call out to God for help?</p>
<p style="text-align: center;">Page 82</p> <p>1 the jail for a longer period time than that, up to 72</p> <p>2 hours.</p> <p>3 Q Do you know if Mr. Perry was on an investigative hold</p> <p>4 at the time he passed away?</p> <p>5 A I don't know.</p> <p>6 Q Under paragraph 2 of "Investigative Holds," it states</p> <p>7 that, "The PPS supervisor in charge is responsible for</p> <p>8 the well-being of all prisoners at PPS and has the</p> <p>9 authority to reject prisoners, including those on</p> <p>10 investigative holds." Did I read that correctly?</p> <p>11 A Yes.</p> <p>12 Q Who would have been the PPS supervisor at the time Mr.</p> <p>13 Perry was in the booking area?</p> <p>14 A That was Lieutenant Robbins.</p> <p>15 Q And Lieutenant Robbins was the individual that you</p> <p>16 provided Mr. Perry's discharge papers from the</p> <p>17 emergency room?</p> <p>18 A Yes.</p> <p>19 Q Or at least you assumed he would have gotten them.</p> <p>20 A Yes.</p> <p>21 Q Correct?</p> <p>22 A Yes.</p> <p>23 Q He was supposed to get them.</p> <p>24 A Correct.</p> <p>25 Q Did you ever see Lieutenant Robbins physically receive</p>	<p style="text-align: center;">Page 84</p> <p>1 A I don't remember.</p> <p>2 Q Did you hear him expressing discomfort in his voice</p> <p>3 when he said "I can't breathe"?</p> <p>4 A Yes.</p> <p>5 Q Was he grunting at the time?</p> <p>6 A Yes.</p> <p>7 Q When people express that they can't breathe and are</p> <p>8 grunting, generally, as a medical personnel would you</p> <p>9 assume that they might be in pain or discomfort?</p> <p>10 A Yes.</p> <p>11 Q And when that same individual, who we know is Mr.</p> <p>12 Perry, has just recently urinated and defecated on</p> <p>13 himself, you would agree that that could be a serious</p> <p>14 medical condition if he involuntarily did so, correct?</p> <p>15 A Yes.</p> <p>16 Q And in the event that Mr. Perry, who we knew by that</p> <p>17 point in time -- You'd seen him for two or three</p> <p>18 hours, he's had three serious seizures, he had</p> <p>19 screamed in pain, or for some reason at the emergency</p> <p>20 room, he had to be transported from the moment he left</p> <p>21 the emergency room until he ended up in the cell at</p> <p>22 MPD, he had urinated and defecated on himself, he</p> <p>23 expressed difficulty breathing, he was grunting in</p> <p>24 pain, he appeared to be disoriented and confused. Did</p> <p>25 you have any inkling in your mind that he might be</p>

Video Deposition of Corey Kroes 12/9/2013

22 (Pages 85 to 88)

<p style="text-align: center;">Page 85</p> <p>1 suffering from a serious medical condition at the 2 time? 3 A No, I didn't think so. 4 Q And you didn't think so why? 5 A Well, his condition was relatively the same from when 6 we left the hospital and the hospital told us that it 7 was -- he was either from the medication or some of 8 the things, you know, where he was faking. 9 Q But you did nothing to try and determine whether he 10 was faking or not faking, correct? 11 A Correct. 12 Q And at the hospital, he hadn't urinated and defecated 13 on himself, had he? 14 A No. We took him to the bathroom. 15 Q And at the hospital, did you hear him complain of a 16 difficulty breathing? 17 A No. 18 Q At the hospital you were able to see him ambulate on 19 his own for a certain period of time, correct? 20 A Yes. 21 Q So by the time he was at MPD in the booking area and 22 as you were standing there, he was having difficulty 23 breathing, which he verbalized, he was groaning in 24 pain, he had to be transferred by six police officers, 25 he had urinated and defecated on himself. Was that or</p>	<p style="text-align: center;">Page 87</p> <p>1 is it a change in his physical condition as to what 2 he was suffering while at the emergency room, correct? 3 A It could be. 4 Q But it was, was it not? I mean, we've established 5 that he hadn't urinated and defecated on himself in 6 the emergency room, correct? 7 A Correct. 8 Q And he was able to tell you in the emergency room, "I 9 have to go to the bathroom," and he was allowed to go 10 to the bathroom, correct? 11 A Correct. 12 Q And once he was at the station, he never expressed to 13 you, "Hey, I have to go to the bathroom," and was 14 denied. Is that true? 15 A True. 16 Q So, and we know that he hadn't urinated and defecated 17 on himself prior to getting to the station, correct? 18 A Correct. 19 Q And we know that before he was put in the cell, he 20 urinated and defecated on himself, true? 21 A True. 22 Q So that is definitively a change in physical condition 23 which you were unaware of was either voluntary or 24 involuntary, true? 25 A True.</p>
<p style="text-align: center;">Page 86</p> <p>1 was that not a condition change from when he was at 2 the emergency room, able to walk, not complaining of 3 difficulty breathing, able to urinate and defecate in 4 the bathroom? 5 MS. LAPPEN: Objection. It misstates the 6 officer's prior testimony. 7 Go ahead and answer. 8 A Him being able to walk was prior to medication. And 9 his complaints of difficulty breathing were only after 10 the mask was placed on, which I know can be -- you 11 know, if you're claustrophobic at all, it can be 12 unnerving, but it doesn't inhibit breathing at all. 13 And most people that have one put on say that they 14 can't breathe. And he never said that he had trouble 15 breathing prior to that at any point. 16 BY MR. GENDE: 17 Q Once he said, "I'm having trouble breathing," and once 18 you observed that he had urinated and defecated on 19 himself, which was not a condition that would be 20 related to the Dilantin, you would agree that there 21 was a change in his physical condition, true? 22 A I didn't know if he had soiled himself based on loss 23 of control of bodily functions or if it was done 24 intentionally. 25 Q I understand that you don't know that. The question</p>	<p style="text-align: center;">Page 88</p> <p>1 Q And you did nothing to establish one way or the other 2 whether it was voluntary or involuntary. 3 A True. 4 Q You agree that if you identify a prisoner with a 5 serious medical condition, as stated in the prior 6 definition, you have an obligation under policies and 7 procedures to render aid, true? 8 A True. 9 Q Did you ever see Officer Jacks vomit on the night in 10 question? 11 A No, I didn't see her. She was ill I think -- 12 Q You were aware -- Go ahead. 13 A -- from the Lysol I use on the handcuffs. 14 Q The Lysol you used on the handcuffs you believed 15 resulted in Officer Jacks vomiting? 16 A Yes. 17 Q You don't think it was from the smell of Mr. Perry's 18 urination and defecation? 19 A I don't know. I remember -- I remember her saying 20 that Lysol bothered her a lot, and she got -- was sick 21 from it. 22 Q Are you aware of any discussion that after Mr. Perry 23 was returned by you from the emergency room to the 24 booking area, he was dropped on his head? 25 A No.</p>

Video Deposition of Corey Kroes 12/9/2013

23 (Pages 89 to 92)

Page 89	Page 91
<p>1 Q You're not aware of that allegation?</p> <p>2 A No.</p> <p>3 Q Are you aware as to whether any other prisoners were</p> <p>4 in the vicinity in the booking area or the holding</p> <p>5 cells while Mr. Perry was being dealt with by yourself</p> <p>6 and other MPD personnel?</p> <p>7 A I mean, the -- There's usually people in the jail so,</p> <p>8 you know, I....</p> <p>9 Q Do you know a man who was being held at the time by</p> <p>10 the name of Tyrone Evans?</p> <p>11 A No.</p> <p>12 Q Did you ever speak to Tyrone Evans after Mr. Perry</p> <p>13 passed away?</p> <p>14 A No.</p> <p>15 Q Were you ever advised by any of the investigating</p> <p>16 officers that Tyrone Evans gave a statement that he</p> <p>17 saw transferring personnel by MPD drop Mr. Perry on</p> <p>18 his head?</p> <p>19 A No.</p> <p>20 Q Did you see the spit mask placed on Mr. Perry?</p> <p>21 A Yes.</p> <p>22 Q Did you assist in that process?</p> <p>23 A No. I was -- I believe I was holding him up at -- or</p> <p>24 just keeping him upright.</p> <p>25 Q And you are sure that the spit mask was placed prior</p>	<p>1 Q Are you trained how to comfort somebody who is</p> <p>2 suffering from a serious medical condition until</p> <p>3 medical personnel can arrive?</p> <p>4 A Yes.</p> <p>5 Q Did you offer any comfort to Mr. Perry on the evening</p> <p>6 in question?</p> <p>7 A No.</p> <p>8 Q Did you offer any first aid to him whatsoever?</p> <p>9 A No.</p> <p>10 Q Have you ever been trained on the concept that a</p> <p>11 struggling and resistant person in custody can</p> <p>12 indicate an immediate medical emergency as opposed to</p> <p>13 a criminal act?</p> <p>14 A Yes.</p> <p>15 Q And when did you receive that training, sir?</p> <p>16 A I don't -- I don't know if it was an, you know, an</p> <p>17 official training, but people have spoke of, you know</p> <p>18 -- What was that called? You know, as soon as you --</p> <p>19 someone is in your custody you, you know, you take</p> <p>20 them off their back, you put them on their side, or</p> <p>21 you sit them up. There was times in the past where</p> <p>22 officers would stay on top of a prisoner, and that</p> <p>23 would cause them to have difficulty breathing.</p> <p>24 Q The concept that I just spoke of, that somebody who is</p> <p>25 struggling and resistant can be an indication of an</p>
Page 90	Page 92
<p>1 to the six officers carrying him to the holding cell.</p> <p>2 A Yes.</p> <p>3 Q Was any medical screen done of Mr. Perry when you</p> <p>4 returned him to the booking area at the Milwaukee</p> <p>5 Police Department?</p> <p>6 A No.</p> <p>7 Q Are there any medical personnel on duty at the</p> <p>8 Milwaukee Police Department?</p> <p>9 A No.</p> <p>10 Q In the event there's a medical emergency or somebody</p> <p>11 is -- strike that. In the event that there's a</p> <p>12 medical emergency, what is the policy and procedure?</p> <p>13 A The jail supervisor calls for the fire department.</p> <p>14 Q In the event that somebody is suffering from a serious</p> <p>15 medical condition, what is the policy and procedure?</p> <p>16 A Exactly the same.</p> <p>17 Q At what point are -- strike that. If a prisoner is</p> <p>18 suffering from a serious medical condition, is there</p> <p>19 any policy and procedure in place for officers to</p> <p>20 render first aid until medical personnel can arrive?</p> <p>21 A I think there is.</p> <p>22 Q And what is your thought in that regard?</p> <p>23 A To, within your training, do what you can.</p> <p>24 Q Are you trained on CPR?</p> <p>25 A Yes.</p>	<p>1 immediate medical emergency as opposed to a criminal</p> <p>2 act, was that discussed before or after Mr. Perry died</p> <p>3 in police custody?</p> <p>4 A It was probably in the academy, so before.</p> <p>5 Q Based on the training that you received in the academy</p> <p>6 and considering the totality of the circumstances that</p> <p>7 you observed and were involved with as relates to Mr.</p> <p>8 Perry on the evening in question, did it ever cross</p> <p>9 your mind that after Mr. Perry was discharged from the</p> <p>10 emergency room that he may be suffering from a medical</p> <p>11 emergency as opposed to faking some injuries or only</p> <p>12 dealing with the effects of Dilantin?</p> <p>13 A No.</p> <p>14 Q What responsibility do you as a Milwaukee police</p> <p>15 officer have to a person who is in your custody and</p> <p>16 control as far as their physical well-being is</p> <p>17 concerned?</p> <p>18 A To make sure that, you know, if there is a medical</p> <p>19 concern, it's taken care of, that they go to the</p> <p>20 hospital. You know, that they can use the bathroom.</p> <p>21 They're offered something to eat if they're in</p> <p>22 custody.</p> <p>23 Q And tell me how you undertook that duty and</p> <p>24 responsibility to Mr. Perry upon his discharge from</p> <p>25 the emergency room.</p>

Video Deposition of Corey Kroes 12/9/2013

24 (Pages 93 to 96)

Page 93	Page 95
<p>1 A I can only do -- I mean, if someone is -- If it's 2 under the pretense that someone is not cooperating, I 3 can only do so much. So there really -- You know, 4 given the situation, I made sure he was in a cell that 5 didn't have objects that he could hit his head on or 6 become injured with, and he was medically cleared at 7 the hospital.</p> <p>8 Q Are you aware of any point in time prior to Mr. 9 Perry's death when he was no longer in the custody of 10 the Milwaukee Police Department?</p> <p>11 A I'm sorry. Can you say that again?</p> <p>12 Q Yes. Were you aware or do you have an understanding 13 that at any point in time Mr. Perry was no longer in 14 the custody of the Milwaukee Police Department prior 15 to his death?</p> <p>16 A I don't think so. I mean.... 17 (Exhibit 32 identified)</p> <p>18 Q I'm going to show you what we've marked as Exhibit No. 19 32, MPD Bates No. 51. Have you ever seen this 20 incident report before?</p> <p>21 A I may have. I'm -- I don't -- I may have read it. I 22 don't -- It's not completely familiar.</p> <p>23 Q Under the "Narrative" portion, it documents, "Victim 24 died on September 13th, 2010, at 9:21 p.m. while in 25 the custody of the City of Milwaukee Police Department</p>	<p>1 A Yes.</p> <p>2 Q And tell me about your understanding in that regard.</p> <p>3 A While we were waiting -- While we were in the booking 4 hallway waiting for a cell, one of the officers, Rick 5 Bungert, used a compression hold.</p> <p>6 Q And tell me what you observed in that regard, and what 7 was going on.</p> <p>8 A Well, we were waiting for the cell assignment, and 9 Officer Bungert thought that -- he must have -- I 10 can't say exactly what he was thinking, but that Mr. 11 Perry was being resistive, and he used that in an 12 attempt to counter his resistance.</p> <p>13 Q Was it your opinion at that point in time that Mr. 14 Perry was being resistant?</p> <p>15 A In a very limited fashion.</p> <p>16 Q Did you agree with the compression hold being used?</p> <p>17 A No.</p> <p>18 Q Did you instruct the officer to stop that process?</p> <p>19 A He did it once, and then he didn't do it anymore.</p> <p>20 Q So there was no discussion after that.</p> <p>21 A No.</p> <p>22 Q Did you inform that officer of Mr. Perry's prior 23 medical conditions leading up to his position on the 24 floor on the date and time in question?</p> <p>25 A I think he had an idea.</p>
Page 94	Page 96
<p>1 in the prebooking room at the Milwaukee County Justice 2 Facility, 949 North 9th Street." Do you have any 3 reason to dispute that documentation?</p> <p>4 A No. No, I don't.</p> <p>5 Q Did you ever tell anybody at the Milwaukee Police 6 Department that Mr. Perry was combative?</p> <p>7 A Sometimes that -- I don't think I did. But sometimes 8 that term is used very loosely for any prisoner that 9 isn't completely cooperative.</p> <p>10 Q But you don't recall using that terminology as it 11 relates to Mr. Perry, correct?</p> <p>12 A No.</p> <p>13 Q Did you ever discuss with Officer Jacks that she may 14 have thought Perry was combative at some point in 15 time?</p> <p>16 A I don't recall if I --</p> <p>17 Q Do you --</p> <p>18 A No.</p> <p>19 Q You don't recall her ever saying that to you, that he 20 was combative?</p> <p>21 A No.</p> <p>22 Q And I'm sorry if I asked you this already. Are you 23 aware of any compression or pressure holds ever being 24 used on Mr. Perry after he was returned from the 25 emergency room?</p>	<p>1 Q From you, or just generally?</p> <p>2 A The situation.</p> <p>3 Q Do you think that officer was overreacting to Mr. 4 Perry at the time?</p> <p>5 A I don't know. I think, you know, based -- I don't 6 know what he was thinking, and he may have had a 7 different opinion of what was going on. I wouldn't 8 have done it.</p> <p>9 Q Was anybody else holding onto Mr. Perry when this 10 compression hold was being used?</p> <p>11 A I think there were some officers there. I don't know 12 exactly where they were.</p> <p>13 Q Did Mr. Perry have a spit mask on at the time?</p> <p>14 A I don't remember if he had it on at that time or not.</p> <p>15 Q Was this before or after he had urinated and defecated 16 on himself?</p> <p>17 A I don't know. 18 (Exhibit 33 identified)</p> <p>19 Q I'm going to show you what we've marked as Exhibit No. 20 33, Bates stamped MPD1032 and 1033. Have you been 21 trained on the policies and procedures set forth in 22 this document? Where it talks about arresting 23 officer's responsibilities?</p> <p>24 A I've never seen this document before.</p> <p>25 Q Would you agree that under paragraph 1 at the top of</p>

Video Deposition of Corey Kroes 12/9/2013

25 (Pages 97 to 100)

<p style="text-align: center;">Page 97</p> <p>1 the page it says, "Once arrested, the PO is 2 responsible for monitoring an arrestee's physical 3 condition"? 4 A Yes. 5 Q Tell me how you were monitoring Mr. Perry's condition 6 after he was released from the emergency room. 7 A I mean, we were with him and we had been with him for 8 the medical clearance and, you know, his status was 9 roughly the same at the jail. So, I mean, we were 10 with him and that's about it. 11 Q Under the next paragraph, G, it states, "Throughout 12 the arrest, conveyance, and transport of prisoners 13 there is an overriding concern to monitor arrestee 14 health." Did I read that correctly? 15 A Yes. 16 Q And did you have an overriding concern to monitor Mr. 17 Perry's health? 18 A I mean, we were in his presence through the process. 19 So in that sense, we were monitoring him. 20 Q The question is did you have an overriding concern to 21 monitor his health when you transferred him from the 22 emergency room back to the Milwaukee Police 23 Department? 24 A No. Once we left, I wasn't -- I mean, my concerns 25 were addressed.</p>	<p style="text-align: center;">Page 99</p> <p>1 Q Is that an option for a Milwaukee police officer? 2 A No. 3 (Exhibit 34 identified) 4 Q I'm going to show you what we've marked as Exhibit No. 5 34. This is an interview of one of the persons in 6 custody on the night of Mr. Perry's death. Have you 7 ever seen this report? 8 A No. 9 Q On the second page, first paragraph, the report 10 documents, "Tyrone Evans stated that there were 11 several police officers present when this was 12 occurring, relating that there were males and females 13 present and that he remembers one of the female 14 officers was Diaz-Berg. Evans related that once the 15 officers got to the cell door, he observed the officer 16 on the right side of the male drop the male, causing 17 him to fall to the floor and hit his face." Did I 18 read that correctly? 19 A Yes. 20 Q Where were you positioned of the six officers 21 transporting -- or transferring Mr. Perry from the 22 floor in the booking area to the holding cell? 23 A I think I was on his right side. 24 Q Is it possible that you might have dropped Mr. Perry? 25 A No.</p>
<p style="text-align: center;">Page 98</p> <p>1 Q Do you think that it's an option as far as Milwaukee 2 Police Department policies and procedures are 3 concerned to either have or not have an overriding 4 concern for a -- strike that. Do you think it is an 5 option according to Milwaukee Police Department 6 policies and procedures as to whether or not you as an 7 officer can have or not have an overriding concern to 8 monitor an arrestee's health? 9 A Are you asking if the policy allows us to make a 10 choice? 11 Q Correct. 12 A No. 13 Q It is not optional, correct? 14 A No. Correct. 15 Q On the second page of the conveying officer's 16 responsibilities -- And by the way, you were a 17 conveying officer, correct? 18 A Yes. 19 Q That was your job, and according to police reports, 20 your only job on that evening, true? 21 A True. 22 Q Under the first paragraph, it states, "Once 23 transferred to conveying PO, he/she is responsible for 24 monitoring prisoner physical condition." True? 25 A True.</p>	<p style="text-align: center;">Page 100</p> <p>1 Q As we sit here today, are you able to explain why a 2 inmate interviewed on the night in question would 3 report to a detective of the Milwaukee Police 4 Department that Mr. Perry was dropped? 5 A No. 6 Q You would agree that the blood coming out of Mr. 7 Perry's face that ended up on the spit mask could have 8 been the result of Mr. Perry being dropped during the 9 process in question? 10 MS. LAPPEN: Objection. Calls for 11 speculation. Foundation. 12 Go ahead and answer, if you can. 13 A He wasn't dropped while I was with him. Bleeding can 14 result from many different things. 15 BY MR. GENDE: 16 Q Were you aware that there was blood ultimately found 17 on Mr. Perry's spit mask? 18 A No. 19 Q Were you aware that there was blood found on his 20 T-shirt? 21 A No. 22 Q Were you aware that there was blood found in his groin 23 area? 24 A No. 25 Q Based on your experience with Mr. Perry on the night</p>

Video Deposition of Corey Kroes 12/9/2013

26 (Pages 101 to 104)

Page 101	Page 103
<p>1 in question, are you able to explain or offer any</p> <p>2 explanation as we sit here today why there was blood</p> <p>3 in Mr. Perry's spit mask, on his shirt, and in his</p> <p>4 groin area?</p> <p>5 A No.</p> <p>6 MR. GENDE: I think I'm done. I'm going to</p> <p>7 take a moment to review my notes. We may or may</p> <p>8 not go back on the record. Thank you.</p> <p>9 THE REPORTER: Off the record.</p> <p>10 MR. LARSON: I've got a few -- I've got a</p> <p>11 few questions.</p> <p>12 MR. GENDE: You want to do them now?</p> <p>13 MR. LARSON: Sure.</p> <p>14 MR. GENDE: Okay.</p> <p>15 THE REPORTER: Let's go off for a second.</p> <p>16 (Off the record 1:14 - 1:17)</p> <p>17 THE REPORTER: We're back on the record.</p> <p>18 BY MR. GENDE:</p> <p>19 Q Officer, did you ever watch any of the police videos</p> <p>20 while Mr. Perry was at the MPD?</p> <p>21 A Yes. I watched one for some investigation about</p> <p>22 something I think the lieutenant said while we were</p> <p>23 there. It was basically of us carrying him to the</p> <p>24 jail cell.</p> <p>25 Q Did you ever hear any officer, either on the tape that</p>	<p>1 assessment of Mr. Perry?</p> <p>2 A No.</p> <p>3 Q Can you explain as we sit here today what Mr. Robbins</p> <p>4 -- I'm sorry -- Lieutenant Robbins did as the</p> <p>5 supervisor in charge who is most responsible for</p> <p>6 prisoner health and safety did on the night in</p> <p>7 question as it relates to Mr. Perry?</p> <p>8 A Usually, they have an officer do cell checks every --</p> <p>9 I don't know if it's 10 or 15 minutes. But him</p> <p>10 personally? No, I can't say.</p> <p>11 Q Okay. So Lieutenant Robbins, you would agree, was the</p> <p>12 supervisor on the scene, correct?</p> <p>13 A Yes.</p> <p>14 Q And at least as it relates to all the other Milwaukee</p> <p>15 police officers onsite at the time, he was the one</p> <p>16 primarily in charge, true?</p> <p>17 A Yes.</p> <p>18 Q He had the ultimate responsibility for prisoners'</p> <p>19 health, welfare, and safety, correct?</p> <p>20 A Yes.</p> <p>21 Q And what are you aware of that he did on the night in</p> <p>22 question as it relates to protecting Mr. Perry's</p> <p>23 health, welfare, and safety?</p> <p>24 A I can't think of anything.</p> <p>25 Q Did you see on the videos Lieutenant Robbins walking</p>
Page 102	Page 104
<p>1 you watched or when you were personally present, tell</p> <p>2 Perry they were going to treat him like they would</p> <p>3 treat somebody in prison?</p> <p>4 A Yes.</p> <p>5 Q Who did you hear say that?</p> <p>6 A Lieutenant Robbins.</p> <p>7 Q And in what context did he say that? Where was Perry</p> <p>8 at when that occurred?</p> <p>9 A We were kind of at the end of the hallway. I didn't</p> <p>10 know he said it until it was -- I was brought and they</p> <p>11 asked me about it at that point.</p> <p>12 Q So you didn't hear Lieutenant Robbins say that, but</p> <p>13 you were informed by investigating detectives that he</p> <p>14 said it?</p> <p>15 A Correct.</p> <p>16 Q And what were you asked in that regard?</p> <p>17 A If I heard it, and then what I thought.</p> <p>18 Q And what did you think?</p> <p>19 A I said I definitely wouldn't have said that.</p> <p>20 Q You thought that was not the way to treat somebody who</p> <p>21 appeared at least to be in significant physical</p> <p>22 distress?</p> <p>23 A I just -- I didn't think it was appropriate in any</p> <p>24 context.</p> <p>25 Q Did you ever observe Lieutenant Robbins do any type of</p>	<p>1 down the hallway at one point, observing Mr. Perry on</p> <p>2 the floor, immediately turning around and laughing</p> <p>3 into the camera, or at least laughing and it was</p> <p>4 caught on camera?</p> <p>5 A No, I never saw that.</p> <p>6 Q So you have no idea what Lieutenant Robbins may be</p> <p>7 laughing about as it relates to Mr. Perry being on the</p> <p>8 floor surrounded by police officers?</p> <p>9 A No, I had no idea that happened.</p> <p>10 Q In your opinion, do you think that is appropriate for</p> <p>11 a supervising police personnel?</p> <p>12 MS. LAPPEN: Objection. It's vague, and</p> <p>13 foundation.</p> <p>14 Go ahead and answer.</p> <p>15 A No.</p> <p>16 BY MR. GENDE:</p> <p>17 Q Do you personally know Lieutenant Robbins?</p> <p>18 A No.</p> <p>19 Q Did you ever hear any other police officers or</p> <p>20 personnel say during the course of Mr. Perry's stay in</p> <p>21 the booking area or in the holding cell that he was</p> <p>22 faking?</p> <p>23 A Yes.</p> <p>24 Q Who did you hear say that?</p> <p>25 A I'm not 100 percent sure.</p>

Video Deposition of Corey Kroes 12/9/2013

27 (Pages 105 to 108)

<p style="text-align: center;">Page 105</p> <p>1 Q And when you heard somebody who was MPD personnel say</p> <p>2 that, what, if anything, did you respond or do?</p> <p>3 A Nothing.</p> <p>4 Q And, again, I apologize if I asked you this question,</p> <p>5 but I need to be clear. As a former EMT -- And what's</p> <p>6 "EMT" mean?</p> <p>7 A Emergency medical technician.</p> <p>8 Q -- and paramedic, were you trained in assessing</p> <p>9 physical conditions of patients?</p> <p>10 A Yes.</p> <p>11 Q And you were trained in observing whether or not such</p> <p>12 physical condition may be deteriorating or improving,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q You would agree that whatever condition Mr. Perry was</p> <p>16 suffering from after he was released from the</p> <p>17 emergency room and upon his return to the Milwaukee</p> <p>18 Police Department facility, it was no longer seizure</p> <p>19 activity, correct?</p> <p>20 A Correct.</p> <p>21 MR. GENDE: I don't think I have anything</p> <p>22 further at this time. Thank you.</p> <p>23 MR. LARSON: Just a few questions.</p> <p>24 And those are the exhibits?</p> <p>25 MS. LAPPEN: Yes.</p>	<p style="text-align: center;">Page 107</p> <p>1 Q -- does that tell us when the interviewed occurred?</p> <p>2 A Which part?</p> <p>3 Q Well, see where it's labeled "Administrative</p> <p>4 Information" above?</p> <p>5 A Yeah. No. That's -- Sometimes that's when whoever is</p> <p>6 writing the report, when they, you know, they sign in</p> <p>7 and they open the report up. And whatever time it is</p> <p>8 goes in that box.</p> <p>9 Q So, I mean, am I correct, though, that this document -</p> <p>10 - it looks like it was recorded at 5:26 a.m. on the</p> <p>11 14th?</p> <p>12 A Yes.</p> <p>13 Q So that's when the actual typed portion would have</p> <p>14 been entered?</p> <p>15 A I don't know if they -- A lot of the detectives do</p> <p>16 dictation, they don't write the reports themselves.</p> <p>17 So I don't know if that's when that happened or</p> <p>18 exactly, you know, what happened at that time.</p> <p>19 Q And one thing I want to be clear about from your</p> <p>20 report, when you look here, if you go to the second</p> <p>21 page a little more than halfway down, see where it</p> <p>22 says, "Becky told the officers that the I.V. would</p> <p>23 take 30 minutes"?</p> <p>24 A Yes.</p> <p>25 Q And then the next sentence starts with, "After that,</p>
<p style="text-align: center;">Page 106</p> <p>1 MR. LARSON: Okay. Can you put them by the</p> <p>2 witness, please? Thank you.</p> <p>3 EXAMINATION</p> <p>4 BY MR. LARSON:</p> <p>5 Q Officer Kroes, I indicated earlier, I represent Dr.</p> <p>6 Coogan.</p> <p>7 A Okay.</p> <p>8 Q You mentioned Dr. Coogan by name in your interview...</p> <p>9 A Yes.</p> <p>10 Q ...that was marked as Exhibit No. 30. Did you know</p> <p>11 Dr. Coogan at all before?</p> <p>12 A Not personally, but I was familiar with him.</p> <p>13 Q Okay. You're familiar with him as an emergency room</p> <p>14 physician at Aurora Sinai?</p> <p>15 A Yes.</p> <p>16 Q All right. If you look at Exhibit 30, which is your</p> <p>17 interview, I believe. And make sure I'm looking at</p> <p>18 the same thing. It's three pages?</p> <p>19 A Yes.</p> <p>20 Q Can you tell me when did the interview take place?</p> <p>21 A I would say it would have to be at sometime probably -</p> <p>22 - I would say after 11:00 p.m. on that day.</p> <p>23 Q I mean, is there something -- When you look at the</p> <p>24 "Administrative Information" portion --</p> <p>25 A Yeah.</p>	<p style="text-align: center;">Page 108</p> <p>1 Perry would be released." And then it says, "Again,</p> <p>2 Perry asked to use the bathroom." Am I correct in</p> <p>3 interpreting this that the I.V. of the Dilantin took</p> <p>4 30 minutes?</p> <p>5 A Yes.</p> <p>6 Q And then it was after he received the 30-minute I.V.</p> <p>7 of Dilantin he asked to use the bathroom again.</p> <p>8 A Yes.</p> <p>9 Q So then all of the subsequent things that you're</p> <p>10 talking about, seemed very tired, much more difficult</p> <p>11 time walking, a hard time keeping his balance, that</p> <p>12 was all after he had received the I.V. of Dilantin.</p> <p>13 A Yes.</p> <p>14 Q You mentioned Dr. Coogan by name at the beginning, at</p> <p>15 the part of the examination, correct?</p> <p>16 A Yes.</p> <p>17 Q Did you ever see Dr. Coogan again, physically, after</p> <p>18 that?</p> <p>19 A After his examination?</p> <p>20 Q Yes.</p> <p>21 A No. I don't think so.</p> <p>22 Q Okay. And you said you hadn't seen the medical</p> <p>23 records --</p> <p>24 A No.</p> <p>25 Q -- prior to today?</p>

Video Deposition of Corey Kroes 12/9/2013

28 (Pages 109 to 112)

<p style="text-align: center;">Page 109</p> <p>1 A No.</p> <p>2 Q What I --</p> <p>3 A I have not seen them.</p> <p>4 Q All right. So if the medical records document that</p> <p>5 Dr. Coogan transferred the care of Mr. Perry to</p> <p>6 another physician at 1720, which would be 5:20 in the</p> <p>7 afternoon...</p> <p>8 A Mm-hmm?</p> <p>9 Q ...you would have no reason to dispute that?</p> <p>10 A No, I would have no idea that that happened.</p> <p>11 Q Okay. And Mr. Perry wasn't discharged until,</p> <p>12 according to the records, 1848, which would be quarter</p> <p>13 to 7:00?</p> <p>14 A Okay.</p> <p>15 Q Is that correct?</p> <p>16 A Yeah. That's about the right time.</p> <p>17 Q Now, Ms. Jacks, the interview portion, at least what</p> <p>18 I've seen, she indicated that she did not see any</p> <p>19 signs of trauma on Mr. Perry when he was transported</p> <p>20 to the E.D.</p> <p>21 A Okay.</p> <p>22 Q Is that consistent with your recollection?</p> <p>23 A I never looked.</p> <p>24 Q All right. And so if Bell Ambulance also documented</p> <p>25 that there was no trauma or injury from the seizure</p>	<p style="text-align: center;">Page 111</p> <p>1 A Okay.</p> <p>2 Q You're in the garage, and am I reading that the spit</p> <p>3 mask was placed on him while he was in the garage?</p> <p>4 A No. That was in the booking room.</p> <p>5 Q Okay. And if we go to the last paragraph, it says,</p> <p>6 "Perry urinated on himself during the struggle at</p> <p>7 PPS."</p> <p>8 A Okay.</p> <p>9 Q Is that your recollection?</p> <p>10 A Yes.</p> <p>11 Q And by "PPS," you meant in that screening area?</p> <p>12 A Right. In the hallway.</p> <p>13 Q And the struggle you're describing was what?</p> <p>14 A His uncooperativeness or his limited resistance.</p> <p>15 Q And that occurred in the screening area.</p> <p>16 A Yeah, in -- yes.</p> <p>17 Q All right. There's no mention in this report of him</p> <p>18 defecating him-- at that point in time or any time</p> <p>19 before that, correct?</p> <p>20 A No, I don't see that.</p> <p>21 Q Now, at the time you were interviewed, you knew that</p> <p>22 Mr. Perry had died?</p> <p>23 A Yes.</p> <p>24 Q You didn't know from what.</p> <p>25 A No.</p>
<p style="text-align: center;">Page 110</p> <p>1 when they transported him to Sinai's emergency</p> <p>2 department, you'd have no basis for disputing that,</p> <p>3 correct?</p> <p>4 A No. I mean, we --</p> <p>5 Q What I said is correct?</p> <p>6 A Yeah. It was my -- And whether it was right or wrong,</p> <p>7 it was my understanding when we started that he had</p> <p>8 had a seizure and hit his head. I don't know if that</p> <p>9 in fact was the case, but....</p> <p>10 Q But if Bell documented there was no trauma or injury,</p> <p>11 do you have any personal knowledge to dispute the</p> <p>12 accuracy in that?</p> <p>13 A No.</p> <p>14 Q And then if I'm reading your interview, if you go to</p> <p>15 the third page, if I'm reading this accurately -- And</p> <p>16 can you tell me, what's the PPS?</p> <p>17 A That's the City jail. That's the -- It's "Prisoner</p> <p>18 Processing Section."</p> <p>19 Q So is that the booking area you're talking about --</p> <p>20 A Yes.</p> <p>21 Q -- or is that somewhere else?</p> <p>22 A That's the booking area and the bullpen and the</p> <p>23 individual jail cells.</p> <p>24 Q All right. So if I'm looking at the third page, tell</p> <p>25 me if I'm getting the chronology wrong here.</p>	<p style="text-align: center;">Page 112</p> <p>1 Q Has anyone ever informed you as to the cause of death?</p> <p>2 A Officer Jacks told me it was from a heart attack. I</p> <p>3 don't know where she learned that from.</p> <p>4 Q At the time that you gave this interview, were you</p> <p>5 assuming that the Dilantin or the seizing had some</p> <p>6 connection with the cause of death?</p> <p>7 MR. GENDE: Objection. It calls for</p> <p>8 speculation.</p> <p>9 A I wasn't sure what the cause was.</p> <p>10 BY MR. LARSON:</p> <p>11 Q And just so I'm clear, you never or Officer Jacks</p> <p>12 never communicated any concerns to Dr. Coogan</p> <p>13 personally that there was something other than his</p> <p>14 seizure activity that needed to be addressed?</p> <p>15 A We spoke with Becky Potterton and asked her if the</p> <p>16 doctor could come, whoever the doctor was, I guess,</p> <p>17 could come back in and just kind of double-check that</p> <p>18 his -- that he was okay.</p> <p>19 Q Right. My question is, you never expressed any</p> <p>20 concern directly to Dr. Coogan that there was</p> <p>21 something other than the seizure activity as an issue</p> <p>22 with Mr. Perry while you were in the emergency</p> <p>23 department on September 13th.</p> <p>24 A No, nothing specific.</p> <p>25 MR. LARSON: That's all I have. Thanks.</p>

Video Deposition of Corey Kroes 12/9/2013

29 (Pages 113 to 116)

<p style="text-align: center;">Page 113</p> <p>1 MR. JOHNSON: I have a couple.</p> <p>2 THE REPORTER: Mr. Johnson.</p> <p>3 EXAMINATION</p> <p>4 BY MR. JOHNSON:</p> <p>5 Q Officer Kroes, I introduced myself this morning, and I</p> <p>6 represent Aurora Sinai Medical Center. You have a</p> <p>7 copy of the incident report concerning your interview</p> <p>8 in front of you?</p> <p>9 A Yes.</p> <p>10 Q And on page 2, if you could go to the bottom</p> <p>11 paragraph, there's a sentence that says, "The nurses</p> <p>12 said Perry was faking." Do you see that?</p> <p>13 A Mm-hmm.</p> <p>14 Q Do you know how many nurses said Mr. Perry was faking?</p> <p>15 A There was Becky Potterton, and there was one other,</p> <p>16 but I don't know who that was.</p> <p>17 Q Can you describe him or her?</p> <p>18 A It was a white female, roughly like 30. I don't</p> <p>19 remember. Maybe darker hair. That's all I really --</p> <p>20 I don't know if even the hair is right. I don't</p> <p>21 remember exactly.</p> <p>22 Q Prior to the date in question, did you know Nurse</p> <p>23 Potterton?</p> <p>24 A I used to work with her.</p> <p>25 Q Where did you work with her?</p>	<p style="text-align: center;">Page 115</p> <p>1 physician's findings to you prior to discharge?</p> <p>2 A Yes. She said she was going to go talk to the doctor.</p> <p>3 Q Whether or not she did, you don't know, fair?</p> <p>4 A Correct. I never -- She exited the room and she went</p> <p>5 to the -- where the physician's office, I guess you</p> <p>6 could call it, was. But I never left the room to see</p> <p>7 where she ended up.</p> <p>8 Q On how many occasions did Nurse Potterton say to you</p> <p>9 that she thought Mr. Perry was faking?</p> <p>10 A I would say it was all, you know, at the time of</p> <p>11 discharge.</p> <p>12 Q So this was all following the administration of the</p> <p>13 Dilantin via I.V.?</p> <p>14 A Yes.</p> <p>15 Q Same question for the other nurse that you don't</p> <p>16 remember. Did all those conversations about faking</p> <p>17 take place after the administration of Dilantin?</p> <p>18 A Yes.</p> <p>19 Q Other than those two nurses, do you recall anyone else</p> <p>20 at the hospital saying that Mr. Perry was faking?</p> <p>21 A No.</p> <p>22 Q Have you spoken to Ms. Potterton since the date of</p> <p>23 this incident?</p> <p>24 A No.</p> <p>25 Q Have you spoken to anyone at Aurora Sinai Medical</p>
<p style="text-align: center;">Page 114</p> <p>1 A At St. Luke's South Shore.</p> <p>2 Q Can you recall any other statements made by Nurse</p> <p>3 Potterton relative to her perception of Mr. Perry's</p> <p>4 condition?</p> <p>5 A No.</p> <p>6 Q Other than Ms. Potterton saying that Mr. Perry was</p> <p>7 faking, do you recall her saying anything else about</p> <p>8 his condition to you?</p> <p>9 A That it was from the medi-- It was a result of the</p> <p>10 medication.</p> <p>11 Q Other than the faking and the condition being the</p> <p>12 result of the medication, do you recall her saying</p> <p>13 anything else to you about his condition?</p> <p>14 A No.</p> <p>15 Q So we've covered everything you recall Nurse Potterton</p> <p>16 saying to you about her perception of Mr. Perry's</p> <p>17 condition.</p> <p>18 A Yes.</p> <p>19 Q Do you have any knowledge as to what conversation</p> <p>20 transpired between Nurse Potterton and any physician</p> <p>21 relative to Mr. Perry?</p> <p>22 A No.</p> <p>23 Q I think you testified, and correct me if I'm wrong,</p> <p>24 but it was your understanding that Nurse Potterton had</p> <p>25 spoken to a physician, and then she relayed the</p>	<p style="text-align: center;">Page 116</p> <p>1 Center about Mr. Perry since the day of the incident?</p> <p>2 A No.</p> <p>3 Q Do you have Exhibit 28?</p> <p>4 A Yes.</p> <p>5 Q And are those the medical records?</p> <p>6 A Yes.</p> <p>7 Q You were asked some questions about entries occurring</p> <p>8 on pages 17 to 19, if you can turn to that document?</p> <p>9 Do you know who authored that document, and I believe</p> <p>10 it's a three-page document that begins on page 17?</p> <p>11 A No.</p> <p>12 Q Do you know when it was authored or written?</p> <p>13 A No.</p> <p>14 Q Did you ever report to anyone at Aurora Sinai Medical</p> <p>15 Center that you believed Mr. Perry had sustained a</p> <p>16 seizure and had bumped his head?</p> <p>17 A I did not. But the -- I recall the ambulance -- the</p> <p>18 EMTs saying that to whoever took the report from the</p> <p>19 ambulance.</p> <p>20 Q Do you recall in your training or education as an EMT</p> <p>21 or a paramedic learning about the side-effects of</p> <p>22 Dilantin?</p> <p>23 A Mostly related to, you know, obviously it stopped</p> <p>24 seizures, and it can make you tired.</p> <p>25 Q Do you have an understanding, or did you back then, as</p>

Video Deposition of Corey Kroes 12/9/2013

30 (Pages 117 to 120)

<p style="text-align: center;">Page 117</p> <p>1 to what would be considered a therapeutic range of</p> <p>2 Dilantin?</p> <p>3 A No.</p> <p>4 Q Any idea as to what the onset time of Dilantin would</p> <p>5 be?</p> <p>6 A I don't know.</p> <p>7 Q At the outset of your testimony, you indicated that</p> <p>8 you and Officer Jacks expressed your objections at the</p> <p>9 hospital and you didn't think they were fully</p> <p>10 addressed. Can you explain that for me?</p> <p>11 A Well, we just mentioned how we thought it was odd that</p> <p>12 he was acting the way he was and, you know, he</p> <p>13 wouldn't -- he came in walking and now he wasn't</p> <p>14 walking. And we just found that to be odd that -- But</p> <p>15 they -- We were assured it was as a result of the</p> <p>16 medication.</p> <p>17 Q And after receiving those assurances, that's when you</p> <p>18 determined it was okay to transport him back to the</p> <p>19 jail?</p> <p>20 A Yes.</p> <p>21 Q Have you served in the military?</p> <p>22 A Yes.</p> <p>23 Q That's what the -- It says "Army" on your --</p> <p>24 A Yes.</p> <p>25 Q When did you serve?</p>	<p style="text-align: center;">Page 119</p> <p>1 the seizure, do you have any basis to say that any</p> <p>2 different information was given to the emergency room</p> <p>3 personnel?</p> <p>4 A No.</p> <p>5 MR. LARSON: That's all I have.</p> <p>6 E X A M I N A T I O N</p> <p>7 BY MR. GENDE:</p> <p>8 Q Mr. Larson, the attorney in the very nice lavender</p> <p>9 shirt had asked you on his first round of questioning</p> <p>10 some inquiries about faking. In any event, did you</p> <p>11 ever determine that the resistance or the limited</p> <p>12 resistance that Mr. Perry undertook was "faking"?</p> <p>13 A No.</p> <p>14 Q Was he faking limited resistance?</p> <p>15 A I -- I don't -- I don't know. I don't think you can</p> <p>16 fake resistance.</p> <p>17 Q Was he faking noncooperation?</p> <p>18 A I don't think so.</p> <p>19 Q So those things you were sure he was actually not</p> <p>20 faking. The others you're unsure of?</p> <p>21 A I'm not sure.</p> <p>22 Q So you don't know what he was faking or not faking?</p> <p>23 A No.</p> <p>24 Q You don't even know if he was faking.</p> <p>25 A No.</p>
<p style="text-align: center;">Page 118</p> <p>1 A In -- From 2003 to 2007.</p> <p>2 Q And what was the nature of your service?</p> <p>3 A I was a Paladin Howitzer mechanic.</p> <p>4 Q Any overseas?</p> <p>5 A No.</p> <p>6 Q Okay.</p> <p>7 MR. JOHNSON: Thanks. That's all I have.</p> <p>8 MR. LARSON: Actually, I have one follow-up</p> <p>9 with that.</p> <p>10 E X A M I N A T I O N</p> <p>11 BY MR. LARSON:</p> <p>12 Q Maybe I misunderstood you. You were just asked -- You</p> <p>13 never gave a history of Mr. Perry hitting his head to</p> <p>14 anyone in the emergency department at Aurora St.</p> <p>15 Luke's, correct?</p> <p>16 A No.</p> <p>17 Q I'm sorry. Aurora Sinai?</p> <p>18 A No, I didn't.</p> <p>19 Q All right. And if you look at the beginning of page</p> <p>20 28 -- I'm sorry -- of Exhibit 28? If you flip through</p> <p>21 the first couple of pages, you see where there's a</p> <p>22 Bell Ambulance report?</p> <p>23 A Yes.</p> <p>24 Q Okay. And if the information contained in that report</p> <p>25 is that there is no history of trauma or injury with</p>	<p style="text-align: center;">Page 120</p> <p>1 MR. GENDE: Okay. I've nothing further.</p> <p>2 Thanks.</p> <p>3 THE REPORTER: Okay. There being no further</p> <p>4 questions, the deposition is concluded at 1:41</p> <p>5 p.m. Off the record.</p>

A	afternoon 109:7	17:22 24:22	97:12	117:15
able 20:5 21:9,14	ago 8:3	36:14 50:22	arrested 20:9	asthma 76:16,16
21:19,21,23	agree 38:16 39:11	69:23 75:6 76:2	59:2 69:11	76:21
22:9 26:11	42:20 43:13	78:4 86:7	81:20 97:1	attack 15:25
47:20 50:16	45:12 49:8	100:12 104:14	arrestee 97:13	76:17 112:2
51:17 59:19	50:15 51:9,13	answered 51:1	arrestee's 97:2	attacks 76:22
63:10 66:19	51:16 54:4 68:8	answers 5:9 57:2	98:8	attempt 5:2,14
70:20 79:5	68:17 70:3	Anthony 8:12	arresting 41:16	32:1 80:11,16
85:18 86:2,3,8	77:22 80:22	anybody 7:5	96:22	95:12
87:8 100:1	83:15 84:13	28:11 49:2,3	arrive 90:20 91:3	attempting 16:7
101:1	86:20 88:4	53:22 62:10	arrived 17:16	16:24 62:12
academy 9:21	95:16 96:25	69:15 71:16	18:2 45:23	attended 12:22
12:1 92:4,5	100:6 103:11	73:16,20 79:23	46:15 47:16	attention 35:8
accept 41:19	105:15	94:5 96:9	51:8 73:8	50:1,6,9,12
52:24	ahead 18:7,23	anymore 95:19	arriving 23:11	52:25 53:14
accepted 24:22	30:1 32:18	apologize 105:4	asked 20:8 56:25	attorney 6:19,24
accident 44:14,17	36:14 43:10	appear 20:20,25	59:1 74:9 94:22	7:11,21 14:1
accuracy 110:12	45:18 49:13	24:2	102:11,16 105:4	25:13,18 56:1
accurate 58:20	50:22 63:5	appearance 5:20	108:2,7 112:15	119:8
59:7	64:16 69:23	appeared 77:13	116:7 118:12	Attorneys 1:6
accurately 110:15	75:6 76:2 78:4	77:17,19 84:24	119:9	2:21
act 91:13 92:2	86:7 88:12	102:21	asking 10:1 98:9	attorney's 26:1
acting 11:7 22:12	100:12 104:14	applying 74:1	asleep 62:15	50:25
32:19 46:21	aid 80:11 88:7	approached 48:6	assess 21:3	audio 25:17 26:4
117:12	90:20 91:8	appropriate	assessing 105:8	26:5,6
actions 51:25	alcohol 21:3	43:19 45:9,19	assessment 43:17	Aurora 3:5 4:8
actively 22:4	alert 45:3,9,19	46:15 102:23	43:22 45:12,16	31:21 53:5
activity 49:9	46:2 59:3	104:10	103:1	106:14 113:6
105:19 112:14	alertness 44:4	approximate 19:3	assignment 58:20	115:25 116:14
112:21	alive 33:18,19	approximately	95:8	118:14,17
actual 107:13	allegation 89:1	19:6	assist 62:17 89:22	authored 116:9
addressed 10:24	allow 5:13	area 47:23 48:25	assistance 13:17	116:12
10:25 63:19	allowed 87:9	49:25 52:24	52:4 60:25	authority 82:9
97:25 112:14	allows 98:9	72:8,9,11 74:17	assistant 25:13	avoid 10:16
117:10	ambulance 12:8	77:20,24 82:13	Assisted 45:7	awake 15:13
adhere 81:9	12:11,12 15:12	85:21 88:24	assume 5:6 56:1	17:22
administer 17:6	19:20 20:1,13	89:4 90:4 99:22	84:9	aware 20:16
administration	21:5,8 37:10	100:23 101:4	assumed 55:13	28:11 29:16
69:16 115:12,17	39:7 59:4	104:21 110:19	82:19	40:5 41:7,13,24
Administrative	109:24 116:17	110:22 111:11	assuming 39:8	43:2,5 46:23
106:24 107:3	116:19 118:22	111:15	112:5	53:3 54:15
admit 81:5	ambulate 21:9,14	arm 60:21	assumption 54:17	74:15 77:10
advised 19:14	52:3 53:16	arms 66:18	assurances	81:11 88:12,22
47:13 89:15	66:19 85:18	Army 117:23	117:17	89:1,3 93:8,12
advising 39:25	amounts 16:1	arrest 6:5 20:19	assured 11:6	94:23 100:16,19
affiliated 28:11	answer 5:6,14	64:19 81:22	24:25 53:12	100:22 103:21

Ayala 47:19 a.m 107:10	81:15 93:19 96:20	bicycles 8:21 bit 12:24	80:2 84:23 85:16,23 86:3,9 86:12,15,17 91:23	carried 21:12 47:6 66:12,14 66:14,17 71:3
B	bathroom 19:1 20:11 21:16,17 59:14,15 61:6 85:14 86:4 87:9 87:10,13 92:20 108:2,7	blackouts 57:9 bleeding 72:14 100:13	brief 72:2 bring 24:8 47:14 Broadway 1:7 2:22	carry 23:21 46:22 47:11
back 20:1,13 22:6 22:8,14,23 23:12,20 24:9 25:9 26:11,18 26:19,21 27:3 31:1 33:7 37:10 45:8,13 47:11 50:18 52:7,13 53:15,17 55:5 62:15 63:22,23 68:14,15 71:12 72:1 78:25 91:20 97:22 101:8,17 112:17 116:25 117:18	bear 62:21 Becky 14:16 63:20 107:22 112:15 113:15	blood 27:12 72:12 72:21,23 77:13 77:17,19,22,23 77:23 100:6,16 100:19,22 101:2	brought 31:1 47:22 55:5 63:23 102:10	case 75:11 110:9 cases 64:19
background 12:21	bed 15:15 60:16 60:20,21	Bluemound 2:10	bull 72:7	caught 104:4
bad 76:16,17	began 63:13	bodily 68:19 70:12,19 86:23	bullpen 19:23 72:6 110:22	cause 67:19 69:16 83:17,17 91:23 112:1,6,9
bag 22:2 63:9	beginning 12:15 108:14 118:19	body 19:15 28:5 48:4 72:12 77:24	bumped 116:16	causing 65:23 99:16
balance 53:25 62:5 108:11	begins 116:10	Bohl 2:14 54:19	bumps 27:5	cell 66:12 67:7,24 69:7 70:5 71:1,3 71:4 72:11,18 73:13 74:10,18 77:15 78:22 84:21 87:19 90:1 93:4 95:4,8 99:15,22 101:24 103:8 104:21
based 14:24 16:2 16:6,13,19 18:8 25:2 32:15 36:7 36:8 40:2 42:14 43:21 44:8 48:18 50:25 51:20 52:16 53:14,18 57:1,1 57:3,17 58:15 61:17 65:11 69:25 86:22 92:5 96:5 100:25	behalf 2:6,12,18 2:24 3:5,11,17	booked 56:24	Bungert 73:25 95:5,9	cells 69:13 89:5 110:23
baseline 28:4	belief 46:14 64:4	booking 56:25 72:9,11 74:17 82:13 85:21 88:24 89:4 90:4 95:3 99:22 104:21 110:19 110:22 111:4	bureau 34:12 36:17	Center 113:6 116:1,15
basically 101:23	believe 8:3 11:19 11:21 16:19 24:19 26:5 27:2 40:6 47:18 48:15 50:25 51:2 52:8 60:9 60:21 64:7 66:16 67:2 68:22 73:17,19 73:24 89:23 106:17 116:9	booked 56:24	bus 81:23	certain 16:17,25 38:15 65:22 85:19
basis 8:8 110:2 119:1	believed 16:23 25:1 32:12 65:21 88:14 116:15	bottom 43:6 49:19 58:25 113:10	C	certainly 30:8 70:6
Bates 4:13 37:20 37:23 39:11 42:4 44:23 45:6 49:5 56:8 80:24	Bell 12:8,11,12 109:24 110:10 118:22	box 107:8	C 2:1	certification 31:20
	bench 47:25 48:2 53:18 66:9	break 55:25 56:3 56:3 61:12 71:22 72:2	call 11:23 19:22 23:20 34:15 58:23 72:6 83:25 115:6	change 14:22,25 15:4,9 16:21 21:23 45:22 70:6 77:25 86:1 86:21 87:1,22
	best 15:24 35:21 39:2	breathe 74:22 75:22 79:22 80:1 83:22,24 84:3,7 86:14	called 23:15,16 33:24 34:2 47:10,14 65:6 72:5 91:18	changed 61:24
	better 61:17	breathing 27:13 61:8,20 64:11 70:22 74:13,19 74:24 75:4,17 75:24 76:10,12 76:19,23 78:15 78:20 79:2,23	calling 24:16 calls 34:10 90:13 100:10 112:7	Chaquila 56:16
	beyond 12:1 28:18		call-in 22:24	charge 23:8 82:7 103:5,16
			camera 104:3,4	charges 81:21
			capacities 12:10	Charles 2:14
			capacity 27:15	
			car 8:23 22:8 23:14 26:12 34:3 44:14 45:8 45:9,13 52:8	
			care 37:4 49:16 92:19 109:5	
			careful 49:22	

check 20:12,23 26:19 27:6,9 28:6,16 66:24 71:12 80:3,5,7 checked 14:21 20:15 28:8,12 checking 27:15,23 28:18 checks 103:8 Chief 75:10,14,19 choice 98:10 choose 69:14 Christopher 2:8 chronology 110:25 circle 44:9 circumstances 65:13 76:14 92:6 City 1:6 2:21,24 12:6 17:20 93:25 110:17 CJF 10:19 81:22 81:24 clarification 18:14 class 12:19,23 claustrophobic 86:11 clean 54:24 clear 5:3,15 23:18 49:7 51:2 105:5 107:19 112:11 clearance 40:10 97:8 cleared 33:2 40:11 46:18,20 47:2 48:7 93:6 Close 19:13 closed 79:13 clothing 72:24 coherent 20:20 59:12 69:2 74:7 76:23 cold 8:23 college 12:23	Coma 44:11,21 combative 15:20 15:24 16:2 57:12 94:6,14 94:20 come 19:19 23:21 27:20 34:11 47:14 63:21 112:16,17 comes 81:24 comfort 91:1,5 coming 46:21 47:12 100:6 common 62:6 75:15,20 communicate 20:5 communicated 112:12 communication 23:4 Compensation 3:17 complain 76:10 85:15 complained 79:21 80:1 complaining 75:22 86:2 complaints 86:9 complete 37:6 completed 12:18 37:15 38:3,16 41:18 81:23 completely 16:10 93:22 94:9 completing 13:12 37:14 38:23 compression 94:23 95:5,16 96:10 computer 23:1 concept 91:10,24 concern 10:24 24:1 25:7 32:5 36:2,7 63:18	71:14 92:19 97:13,16,20 98:4,7 112:20 concerned 24:18 27:21 67:14 78:10 92:17 98:3 concerning 113:7 concerns 10:25 11:12,17 23:15 25:2,10 32:24 33:4 46:1,13 97:24 112:12 concluded 120:4 condition 11:4,7 14:23,25 15:4,9 16:8,14 17:17 21:24 24:18,23 25:4,10 26:20 29:22 30:3 32:7 39:18,25 42:18 42:24 44:8 45:22 53:18 61:16 63:2 65:20 70:3,7 77:25 83:12,14 83:15,16 84:14 85:1,5 86:1,19 86:21 87:1,22 88:5 90:15,18 91:2 97:3,5 98:24 105:12,15 114:4,8,11,13,17 conditions 66:2 70:16 95:23 105:9 conduct 34:12 58:11,15 81:7 conducted 34:16 confused 50:5 51:21,24 84:24 confusion 50:12 69:7 connection 112:6 conscience 9:3 conscious 14:19	79:15 consider 44:19 52:18 53:13 considered 117:1 considering 37:10 92:6 consistent 33:15 109:22 constant 83:19 contact 21:7 56:21 66:11 contained 118:24 context 102:7,24 continued 33:10 68:8 continuing 52:12 control 48:4 68:18 70:12 86:23 92:16 conversation 22:20 24:14 30:25 31:6,12 35:1,10,21 59:12 114:19 conversations 9:16 10:12 13:25 22:9 30:8 30:11 47:4 115:16 conveyance 97:12 conveyances 37:5 conveying 98:15 98:17,23 Coogan 3:11 106:6,8,11 108:14,17 109:5 112:12,20 cooperating 14:20 93:2 cooperative 15:15 15:16,19 30:5 94:9 coordination 53:25 copy 29:5,6,7,9,11 29:14,14 31:20	40:21 113:7 Corey 1:2 4:23 corner 37:20 correct 8:7 24:12 30:9,21 32:13 32:24 33:8 38:4 38:5,17 39:13 40:16,24 42:18 42:25 46:10 48:3,4,5,8,9 49:11,17 50:1,6 50:7,9,10,13,14 51:4,5,6,11,12 51:22 53:1,7,8 54:5 57:6,9,11 57:12,14,15,16 58:1,5 59:5 60:14,15 61:14 61:15 62:11,13 62:14,16,21,22 62:24 63:1,11 63:12,13,14,17 64:7 67:25 68:1 68:3,9 69:21 70:24,25 71:5 71:10,11 74:7 81:7 82:21,24 84:14 85:10,11 85:19 87:2,6,7 87:10,11,17,18 94:11 98:11,13 98:14,17 102:15 103:12,19 105:13,14,19,20 107:9 108:2,15 109:15 110:3,5 111:19 114:23 115:4 118:15 correctly 27:3 45:10 82:10 97:14 99:18 counsel 4:16 counseling 10:6 counter 95:12 County 2:18 10:18 40:25
--	--	---	--	--

41:16,19 94:1 couple 41:18 47:14 62:3 113:1 118:21 course 34:21 42:13,17 58:3 104:20 courses 13:18 court 1:12 5:10 covered 114:15 CPR 28:19 90:24 criminal 91:13 92:1 cross 92:8 Crystal 6:9 7:6 17:14 23:16 24:3,11 33:24 cuffs 71:7 current 9:11,12 9:15 currently 13:1 custody 6:5 28:14 34:25 35:11 75:3,22 91:11 91:19 92:3,15 92:22 93:9,14 93:25 99:6	35:11,15 36:2 80:24 81:3 93:9 93:15 99:6 112:1,6 deaths 8:24 December 7:2 decide 16:12 defecate 69:17 86:3 defecated 67:3,18 68:11 71:17 73:4,7 76:25 84:12,22 85:12 85:25 86:18 87:5,16,20 96:15 defecates 68:18 defecating 111:18 defecation 70:5 70:11 77:24 88:18 Defendants 2:18 2:24 defined 83:16 definitely 102:19 definition 16:3 78:9 83:10 88:6 definitively 87:22 Delafield 12:8,13 denied 87:14 department 12:8 13:10,18 19:16 22:7,25 25:19 28:12 35:19 36:21 37:13 38:21,25 39:5 39:18,25 40:15 40:20,21 41:9 42:1 45:24 48:18 50:19 51:9 53:17,23 54:10 56:8 65:9 66:1,8,22 75:2 76:5 78:12,17 80:20 81:12 90:5,8,13 93:10	93:14,25 94:6 97:23 98:2,5 100:4 105:18 110:2 112:23 118:14 depends 13:15 27:22 deposition 4:7 5:19,24 6:20 57:25 120:4 describe 17:17 113:17 described 15:24 16:5 17:1 18:2 41:3 47:6,8 55:15,23 61:16 describing 111:13 desk 47:22,23 despite 32:23 detective 6:7 25:23,25 26:3 34:12 36:17 100:3 detectives 102:13 107:15 deteriorate 33:11 64:9 68:8 deteriorating 63:2 105:12 deterioration 17:17,18 18:1 determination 80:16 determine 21:23 28:19 36:8 44:13 52:11 67:13,18 70:10 70:18 80:13 85:9 119:11 determined 117:18 determining 27:24 Diaz-Berg 99:14 dictation 11:24 107:16	died 32:1 34:1 92:2 93:24 111:22 different 12:9 58:23 96:7 100:14 119:2 differently 10:16 difficult 44:5 62:4 108:10 difficulty 62:13 64:11 74:12,19 76:10 79:2 84:23 85:16,22 86:3,9 91:23 Dilantin 17:2,4 18:4,8 21:23 22:2 53:24 69:16,20 77:8 77:10 86:20 92:12 108:3,7 108:12 112:5 115:13,17 116:22 117:2,4 directed 23:4 direction 23:22 23:25 directly 24:17 31:10 41:15 81:24 112:20 disability 83:17 disagree 43:22 45:15 57:17 discharge 14:15 15:10 18:11 19:12 23:14 28:20,24 29:1,4 29:11,16,22 30:9,12,15,16,20 31:2 35:17,23 36:3,10 39:21 40:12,21 41:4 41:12,21,25 42:18,25 43:3 43:25 45:10 46:14,15 47:5 48:12 49:8 50:3	50:17,17 51:4 51:14 53:11,20 54:5,8,14,16 55:2,4,15 61:18 62:12 67:15 71:16 82:16 83:1 92:24 115:1,11 discharged 14:11 17:16 24:7 28:20 32:11 33:12,15 45:4 47:1 51:3 53:5 92:9 109:11 discharging 43:17 discipline 58:15 discomfort 80:14 83:18 84:2,9 discuss 7:9 49:20 94:13 discussed 25:12 35:16 92:2 discussion 88:22 95:20 discussions 7:16 7:23 8:5,16 9:13 23:7 56:18 disinfect 71:10 disinfected 71:18 disoriented 84:24 dispatcher 23:6 dispel 64:3 dispute 94:3 109:9 110:11 disputing 110:2 distinction 15:19 15:23 83:10 distress 102:22 district 1:12,13 25:13,18 26:1 doctor 11:9,11,13 11:15,17 24:22 59:22,22 60:1,5 63:21,23 112:16 112:16 115:2 doctors 11:22
D D 3:13 4:1 danger 78:8 darker 113:19 date 7:17 14:14 80:22 95:24 113:22 115:22 day 8:8 58:20,24 83:14 106:22 116:1 dead 33:17 deal 24:9 27:17 dealing 92:12 dealt 6:6 89:5 death 5:1 6:5 7:10 7:11 8:17 9:2,13 10:7,11 14:1 32:8 34:15				

32:6 document 5:21 31:23 37:21,24 38:1,3,7 42:9 56:9,11,14 57:21 96:22,24 107:9 109:4 116:8,9,10 documentation 94:3 documented 43:18 57:18 67:24 109:24 110:10 documents 5:23 31:24 39:3 57:24 93:23 99:10 doing 22:17 44:19 52:21 60:1 64:22 66:6 door 61:4 99:15 dose 21:22 double-check 11:10 112:17 Dr 2:4 106:5,8,11 108:14,17 109:5 112:12,20 dressed 15:17 drive 22:22 driving 26:23 drooling 63:13 64:10 drop 89:17 99:16 dropped 88:24 99:24 100:4,8 100:13 drowsiness 50:11 53:10 54:1 drowsy 53:7 77:11 duces 5:20 Dudek 2:15 due 70:11 Duration 42:13 duty 90:7 92:23	E E 2:1,1,16,20 3:7 4:1,19 106:3 113:3 118:10 119:6 ear 72:14 earlier 34:20 106:5 earliest 13:16 easily 46:9 Eastern 1:13 eat 92:21 education 13:12 116:20 educational 12:20 13:18 effect 18:9 31:6 effective 80:21 effects 92:12 either 17:13 23:1 38:17 42:5 52:1 70:15 85:7 87:23 98:3 101:25 elapsed 18:12 34:14 emergency 14:11 16:20 17:7,11 18:5,21 21:10 22:6 23:11 25:8 29:17,24 31:22 32:2,8,15 35:17 36:4,9 38:4,7,14 38:20,24 39:5 39:17,24 40:19 41:22 44:24 49:11 57:6 62:10 68:12 69:15 70:1 78:6 78:9,13,18 82:17 83:11 84:19,21 86:2 87:2,6,8 88:23 90:10,12 91:12 92:1,10,11,25 94:25 97:6,22	105:7,17 106:13 110:1 112:22 118:14 119:2 emergent 52:25 EMT 12:4,11,16 12:18,22 14:24 27:14 29:21 39:2 42:6 70:15 70:24 76:7,11 77:22 105:5,6 116:20 EMTs 19:20 21:11 116:18 EMT/paramedic 13:9 ended 14:7 84:21 100:7 115:7 enroll 13:3 entered 107:14 entire 5:13 7:7 17:12,13 26:21 entities 25:22 entries 116:7 entry 45:7 ER 18:2,3 39:13 77:14 Erickson 3:8 Ert 3:2 essentially 70:22 establish 88:1 established 87:4 Estate 1:10 estimate 7:23 39:3 estimation 42:20 43:13 evaluate 44:8 evaluation 52:19 Evans 89:10,12 89:16 99:10,14 evening 25:14 91:5 92:8 98:20 event 14:4 35:6 48:19 50:4 51:16 69:2 70:14 84:16	90:10,11,14 119:10 events 7:9 8:17 10:7,14 34:23 eventually 24:21 exactly 9:4 22:1 24:3 35:20,24 90:16 95:10 96:12 107:18 113:21 exam 59:23 examination 4:2 32:23 108:15,19 Exhibit 4:6 5:17 5:19 31:18,20 37:19 39:11 42:3 44:23 45:6 49:5 54:3 56:5,7 57:18,20,22 80:18,19 81:15 93:17,18 96:18 96:19 99:3,4 106:10,16 116:3 118:20 exhibits 4:15 105:24 exited 115:4 expecting 34:5 experience 10:2 14:6 16:11 35:16,17,18 42:5 44:12 65:3 100:25 expired 34:24 explain 100:1 101:1 103:3 117:10 explanation 101:2 explicit 47:4 express 25:10 84:7 expressed 10:21 11:17 14:13,20 36:3 46:1,13 48:22 84:23 87:12 112:19	117:8 expressing 23:25 25:7 84:2 extent 75:15 78:14 extra 23:20 extremely 36:12 eye 54:1 eyes 20:23 66:24 67:1 79:13 E.D 109:20 F face 99:17 100:7 facility 10:18 46:16 94:2 105:18 fact 11:19 17:18 54:7,13 55:1,19 67:17 110:9 factor 35:23 fail 54:9 fair 5:4,7,15 9:2 11:11 18:19 36:1 115:3 fake 119:16 faking 32:21 52:8 52:13 64:1,4,7 64:14,18 65:1,5 65:8,14,19 66:2 70:10 85:8,10 85:10 92:11 104:22 113:12 113:14 114:7,11 115:9,16,20 119:10,12,14,17 119:20,22,22,24 fall 20:16 99:17 falling 62:15 familiar 42:14 56:9 93:22 106:12,13 Families 3:17 far 78:10 92:16 98:1 fashion 25:16
--	---	---	--	---

95:15 fast 61:8,20 feel 14:21 48:17 58:22 feeling 22:16 feet 24:15 fellow 75:21 felt 10:21 14:17 63:15 female 99:13 113:18 females 99:12 fifth 59:21 fighting 15:25 filed 7:25 8:2 10:10 fill 37:1 38:13 39:1,6 filled 37:9,18 38:8 38:9,18,19 39:4 56:14 finally 5:13 63:10 find 6:12,16 33:20 69:12 70:23 findings 115:1 fine 46:7 fire 12:8 90:13 first 6:11 15:11,11 19:7,15,21 21:7 21:22 25:25 27:19,19 42:11 55:1 58:18,19 58:25 61:7 63:3 64:8 77:13,17 77:19 80:11 90:20 91:8 98:22 99:9 118:21 119:9 five 9:14 12:3 59:23 67:7 71:2 flat 78:24 flip 118:20 floor 10:17 47:24 48:1 67:23 72:5 73:18,21 74:9 79:16 95:24	99:17,22 104:2 104:8 Flynn 75:10,14,19 focus 76:20 follow 36:17 41:2 81:13 following 115:12 follow-up 36:7,20 118:8 force 16:1 form 4:9 32:17,25 36:12 37:1 38:9 38:23 39:1,16 42:7 50:20 54:19 56:8,22 63:4 64:15 69:22 75:5,25 78:3 former 39:2 105:5 forms 38:10 41:19 forth 96:21 forty 19:7 forward 61:24 found 100:16,19 100:22 117:14 foundation 18:6 29:25 43:9,23 45:17 49:12 76:1 100:11 104:13 four-month 12:23 Frauen 3:14 free 48:25 56:2 front 113:8 full 78:9 fully 10:24,25 59:3 117:9 full-body 60:14 functions 68:19 70:12,19 86:23 Fund 3:18 further 32:16,23 33:11 43:2 52:19 55:16 60:25 66:11 105:22 120:1,3	future 29:15 <hr/> G G 97:11 gait 21:18 53:25 garage 19:21 111:2,3 Gende 2:2,3 4:3 4:15,17,20 18:10,19 30:7 32:22 33:3 36:19 43:12 44:10 45:21 49:15 50:24 54:21 60:8 63:6 65:4 69:24 71:21 72:2,3 75:9 76:3 78:5 86:16 100:15 101:6,12,14,18 104:16 105:21 112:7 119:7 120:1 general 9:22 generally 72:9 76:8 84:8 96:1 generate 57:1 generated 57:4 ger 13:23 getting 13:17 40:21 49:25 53:13 62:17 87:17 110:25 give 12:20 29:4 given 11:8 16:3 21:25 28:21 61:8 77:8,10 93:4 119:2 gives 27:17 28:3,3 giving 30:17,18 Glasgow 44:11,20 Glynn 2:9 go 12:23 18:7,23 19:24 30:1 31:17 32:18 34:11 36:14	37:3,23 41:15 43:10 45:6,18 49:13 50:22 56:2 59:21 60:25 62:3 63:5 64:16,19 69:23 71:9,24 73:9 75:6 76:2 78:4 81:21 86:7 87:9 87:9,13 88:12 92:19 100:12 101:8,15 104:14 107:20 110:14 111:5 113:10 115:2 God 83:25 goes 29:7,7,9 40:25 49:19 69:14 107:8 going 4:24 5:18 23:18 27:17 28:4 31:19 36:11 56:6 57:20 73:15 80:19 93:18 95:7 96:7,19 99:4 101:6 102:2 115:2 good 27:17 71:21 gotten 82:19 graduate 13:5,7 groaning 15:14 26:18 52:7,13 53:15 85:23 groin 77:19,24 100:22 101:4 ground 73:12 78:24,24 grunting 84:5,8 84:23 guess 8:4 27:22 28:3 32:9 43:24 44:8 83:13 112:16 115:5 Gutglass 3:8 guy 19:23	guys 8:19 <hr/> H H 2:14 hair 113:19,20 half 8:4 19:10,11 halfway 57:10 107:21 hall 48:15 hallway 72:7 95:4 102:9 104:1 111:12 hand 31:9,10 55:8 handcuffed 60:21 handcuffs 71:5,10 71:19 73:19 88:13,14 handed 31:1,13 48:15 54:11 handling 19:22 hands-on 73:20 handwriting 38:1 happen 68:14 happened 9:17,19 10:13,19 14:5,7 18:25 20:7,9 47:9 65:3 104:9 107:17,18 109:10 hard 62:5 64:17 64:21,21 66:4 108:11 head 5:10 19:17 19:23 20:12,15 26:25 27:4 49:1 60:18 65:9 88:24 89:18 93:5 110:8 116:16 118:13 health 16:21 18:4 27:21 37:5 40:23 44:2,7 51:10 97:14,17 97:21 98:8 103:6,19,23 Healthcare 3:5
--	---	---	---	--

hear 22:18 30:11 31:5 74:23 79:23 83:24 84:2 85:15 101:25 102:5,12 104:19,24 heard 26:6,18 75:19 102:17 105:1 heart 112:2 heavily 9:3,5 held 71:3 89:9 help 23:21 47:14 65:6 76:23 83:25 helped 76:19 77:15 Hey 61:4 87:13 he/she 98:23 high 13:5,7,8 highest 44:20 hired 12:13 Hirschboeck 2:15 history 48:18 118:13,25 hit 19:17,23 49:1 93:5 99:17 110:8 hitting 118:13 hold 26:13,15 74:2 77:2 81:19 81:25 82:3 95:5 95:16 96:10 holding 60:23 73:22 89:4,23 90:1 96:9 99:22 104:21 holds 81:17 82:6 82:10 94:23 Home 49:16 Horlick 13:8 hospital 10:22,23 10:25 12:14 14:18 15:12 17:20 18:18 19:4,25 24:5	30:21 37:2,3 39:6,7 40:3,9 42:7 43:18 46:5 46:21 52:17,18 53:5 65:22 67:14 75:8 76:7 85:6,6,12,15,18 92:20 93:7 115:20 117:9 hospitals 52:24 hour 19:9,10,11 34:17,21 35:14 hours 7:4 12:25 17:9 67:14 77:6 82:2 84:18 Howitzer 118:3 <hr/> I idea 95:25 104:6,9 109:10 117:4 identified 5:17 31:18 56:5 57:22 80:18 93:17 96:18 99:3 identify 57:21 88:4 ill 88:11 immediate 78:8 91:12 92:1 immediately 14:4 104:2 importance 27:14 impression 19:17 19:19 30:3 46:24 improved 51:10 improving 105:12 inability 53:16,17 53:19 65:14,15 65:15 67:15 70:12 inaccurate 6:12 6:16 incident 4:10,12 7:17 57:23 83:6	93:20 113:7 115:23 116:1 incidents 65:12 include 41:21 included 36:16 includes 41:4 including 14:1 30:20 31:2 40:12 82:9 incorrect 6:13,17 indicate 91:12 indicated 106:5 109:18 117:7 indicates 42:17 indication 91:25 individual 27:25 69:16 82:15 84:11 110:23 individuals 25:20 67:7 72:4 influence 20:25 inform 95:22 information 11:14 27:17 36:22 39:17 41:7 51:18 54:9 57:18 65:11 106:24 107:4 118:24 119:2 informed 33:23 34:1 102:13 112:1 informing 34:15 71:16 inhibit 86:12 initial 27:23 37:11 37:16 39:15 initially 65:9 initiated 8:5 injured 3:17 27:24 93:6 injuries 92:11 injury 20:15 50:8 109:25 110:10 118:25 inkling 84:25	inmate 4:14 100:2 inquire 22:16,18 inquiries 20:19,21 66:21 119:10 instance 42:11 instruct 53:22 95:18 instructed 56:1 instruction 69:25 instructions 28:21 28:24 29:2,4,12 29:16,23 30:9 30:12,16,20 31:2 39:22 40:12,22 41:2,4 41:21,25 48:12 49:8,24 50:3,17 51:4,14 53:20 54:5,8,14,16 55:2,4,7,16 71:16 intend 13:12 intentionally 64:23 66:6 86:24 interest 32:5 interpreting 108:3 interview 4:10,14 6:7,7,11,15 25:15,24 26:4 58:13 61:17 75:12 99:5 106:8,17,20 109:17 110:14 112:4 113:7 interviewed 9:24 25:13,18,19,23 57:23 100:2 107:1 111:21 interviews 6:10 34:13,16 75:10 intoxicants 21:1 intoxicated 37:2 57:15 introduced 113:5	intubation 44:19 investigated 58:11 investigating 89:15 102:13 investigation 36:16,20 101:21 investigative 6:4 81:17,19 82:3,6 82:10 involuntarily 84:14 involuntary 87:24 88:2 involved 33:7 36:15 41:17 92:7 involvement 33:10 55:17 in-custody 5:1 8:17,24 10:7,10 35:15 irritability 50:11 isolated 69:10 issue 112:21 issues 24:20 44:2 I.V 22:2 63:9 107:22 108:3,6 108:12 115:13 <hr/> J J 2:2 Jacks 6:9,15 7:6,7 7:9,24 9:8 10:9 11:25 13:22 22:18,20 24:12 26:23 28:8,22 29:1 30:11 31:5 33:24 34:6,22 35:14 37:8 38:17 47:9 61:5 61:14 63:11 73:24 88:9,15 94:13 109:17 112:2,11 117:8 jail 17:21 18:15
--	---	--	--	--

23:16 29:8 33:16,17,22,25 37:15 41:1,16 41:19 46:4,8 47:18 55:8 66:12 67:5,7,24 69:9,13 70:5 73:8,12 74:10 74:16,18 77:15 78:22 82:1 89:7 90:13 97:9 101:24 110:17 110:23 117:19 James 2:2 Jeff 1:4 jerky 54:1 job 17:6 98:19,20 Johnson 3:1 4:5 18:6 29:25 32:17,25 43:9 43:23 45:17 49:12 63:4 64:15 113:1,2,4 118:7 Joseph 1:4 Judge 2:9 Justice 94:1 <hr/> K <hr/> Katers 2:8 keep 5:14 39:10 81:25 keeping 62:5 89:24 108:11 kept 48:19 62:15 kind 9:23,24,25 10:13 13:14 44:3 45:20 72:7 75:20 79:18 102:9 112:17 knew 24:16 32:11 46:21 47:12 84:16 111:21 know 8:1,6 9:17 9:18,19,20,21,23 10:23 11:23,25	14:17,18,19 15:2,11,25 17:5 17:21,24 19:1,3 19:18,24 20:8,8 21:2,7,14 22:1,1 23:4,17 24:3,4 24:17,23,24 26:3 27:5 28:8 28:16 29:6,13 29:15 30:5 31:9 31:16 32:21 33:21 34:11 39:1,9 40:22 41:2,3,6,18 43:15,25 44:4,6 44:13,17,18 46:5,17,18,20,22 46:25 47:1,3,5 47:11 48:25 52:5,9,9 55:19 55:20 56:16,24 57:1 58:23 63:20 64:18,20 65:22 66:5 68:24 69:6,9,12 69:13 71:4 73:3 73:6 75:12,15 76:4,5 77:13,17 77:19 79:2,4,7,9 79:11,13,15 82:3,5 83:14 84:11 85:8 86:10,11,22,25 87:16,19 88:19 89:8,9 91:16,16 91:17,18,19 92:18,20 93:3 96:5,5,6,11,17 97:8 102:10 103:9 104:17 106:10 107:6,15 107:17,18 110:8 111:24 112:3 113:14,16,20,22 115:3,10 116:9 116:12,23 117:6	117:12 119:15 119:22,24 knowing 43:14 knowledge 4:25 34:24 75:20 110:11 114:19 known 11:4 KREE-ger 13:23 13:24 Kroes 1:2 4:10,23 4:24 59:1 106:5 113:5 KROO 13:22 Krueger 8:12,13 8:16 10:1 13:22 13:24 K-r-o-e-s 4:23 <hr/> L <hr/> L 3:1 labeled 107:3 laid 66:9 78:24 Lang 2:9 Lappen 2:20 6:24 18:14,17 36:11 50:20 58:4,7 69:22 75:5,25 78:3 86:5 100:10 104:12 105:25 large 16:1 Larson 3:7,8 4:4 60:6 101:10,13 105:23 106:1,4 112:10,25 118:8 118:11 119:5,8 late 14:8 56:20 laughing 104:2,3 104:7 lavender 119:8 Law 2:3 lawsuit 7:24 8:1 10:9 laying 60:16 layman's 15:3,5,7 leading 7:18	95:23 leaning 27:3 learned 36:1 75:7 112:3 learning 35:14 116:21 left 11:5,22 18:3 33:16,17,21 61:3 65:21 71:19 84:20 85:6 97:24 115:6 legs 66:18 let's 19:7 43:16 45:6 71:24 101:15 lieutenant 23:7,16 23:22 24:1 25:7 30:17,18,25 31:6,8 33:25 47:10 48:13 82:14,15,25 83:3 101:22 102:6,12,25 103:4,11,25 104:6,17 lieutenant's 48:14 life 78:7 life-threatening 83:16 lift 64:13 light 42:21 limbs 20:12 limited 68:2 95:15 111:14 119:11 119:14 limp 64:19 listening 24:17 litigation 58:9 little 8:3 12:24 21:12 107:21 live 83:14 loaded 23:13 local 52:24 long 7:3 8:13 9:24 12:2,9 17:7 61:2	71:22 longer 12:24 82:1 93:9,13 105:18 look 6:3 11:9 24:4 26:19 37:19 42:3 49:5,21 54:3 55:15 81:15 106:16,23 107:20 118:19 looked 109:23 looking 44:23 60:6 106:17 110:24 looks 107:10 loosely 94:8 losing 70:18 loss 86:22 lost 41:10,25 lot 9:19 13:11,15 64:20 76:6 88:20 107:15 lower 37:20 Luke's 12:7 114:1 118:15 lunch 71:23 72:2 Lysol 88:13,14,20 <hr/> M <hr/> M 4:19 106:3 113:3 118:10 119:6 making 22:15 79:17 male 99:16,16 males 99:12 man 89:9 manner 5:3,9 March 12:3 Margarita 47:19 Mark 3:7 marked 5:18 31:19 56:6 57:20 80:19 93:18 96:19 99:4 106:10 mask 59:3,9,13,16
--	--	---	--	---

59:18 60:12 72:16,18,21 73:11 74:21 77:14,23 86:10 89:20,25 96:13 100:7,17 101:3 111:3 McNally 3:13 mean 9:5 10:13 11:13 15:16 18:15 20:22 21:19 27:11 28:3 34:9 43:8 43:14,24 45:19 46:4 52:9 72:7,9 87:4 89:7 93:1 93:16 97:7,9,18 97:24 105:6 106:23 107:9 110:4 meaning 15:1 46:19 means 15:8 meant 111:11 measured 28:5 mechanic 118:3 med 58:18 medi 114:9 medical 4:8,9 11:25 14:14,24 15:1,2,5,8 16:8 16:14 25:2 31:16,21 32:2 36:8,9,22 40:10 41:17 42:5,15 43:8,21 50:1,6,9 50:12 52:25 53:14 56:7 65:12,20 78:6,9 78:13,18 83:11 83:12,15,18,20 84:8,14 85:1 88:5 90:3,7,10 90:12,15,18,20 91:2,3,12 92:1 92:10,18 95:23	97:8 105:7 108:22 109:4 113:6 115:25 116:5,14 medically 23:18 33:2 40:11 47:1 47:2 48:7 93:6 medication 11:8 16:18,20,25 18:9 24:19,25 25:5 29:20 30:4 32:20 51:25 52:1 53:12 63:9 64:22 65:23 83:19 85:7 86:8 114:10,12 117:16 medications 22:1 meet 6:19 7:1,3 meeting 7:5,7,10 7:18 58:4 mental 37:5 44:2 44:7 mention 20:11 111:17 mentioned 19:20 35:22 70:2 106:8 108:14 117:11 method 47:5 Metro 3:5 Michael 3:1 middle 45:1 military 117:21 Milwaukee 1:6,8 2:11,17,18,21,23 2:24 3:4,10,16 10:18 12:2 28:11 36:21 41:9 42:1 45:24 50:19 51:8 53:23 54:10 56:8 75:2 78:12 78:17 80:20 81:5,12 90:4,8 92:14 93:10,14	93:25 94:1,5 97:22 98:1,5 99:1 100:3 103:14 105:17 mind 84:25 92:9 minimum 77:5 minutes 19:8,9 50:5 61:12 71:4 103:9 107:23 108:4 misplaced 41:5,10 41:14,25 misstates 86:5 Mister 22:5 misunderstood 48:24 118:12 Mm-hmm 9:7,10 26:21 44:25 76:9 109:8 113:13 moaning 14:19 15:14 22:15 26:17,18 52:7 52:13 53:14 79:19 moment 17:16 18:2,3 45:23 61:24 84:20 101:7 Monday 1:4 monitor 97:13,16 97:21 98:8 monitoring 83:20 97:2,5,19 98:24 months 12:13 morning 14:8 113:5 mouth 60:11 72:14 move 13:9 21:21 27:5 43:16 movement 54:1 moving 21:20 MPD 4:9,10,11,12 30:16 40:5 45:7 46:3,15 47:5	53:16 54:16 55:6 58:14 68:15 72:6 84:22 85:21 89:6,17 93:19 101:20 105:1 MPD00463 80:25 MPD1032 96:20 multiple 36:13 50:21 mumbling 22:15 61:9,21 62:23 64:11 65:14 67:16 70:20 79:19 mutually 8:6 M.D 3:11 <hr/> N N 1:7 2:1,22 3:3,9 3:15 4:1,19,19 106:3,3 113:3,3 118:10,10 119:6 119:6 name 4:21,21,23 47:19 89:10 106:8 108:14 Narrative 93:23 nature 118:2 necessary 28:19 33:1 need 52:25 55:25 56:3 69:10 76:19 105:5 needed 29:19 52:3 112:14 needs 37:3 38:7 negative 43:7 never 9:21 11:11 20:15 56:21 61:24 65:21 70:2,2 83:8 86:14 87:12 96:24 104:5 109:23 112:11 112:12,19 115:4	115:6 118:13 nevertheless 36:4 new 9:20 nice 119:8 night 37:6 38:19 56:23 58:12,16 88:9 99:6 100:2 100:25 103:6,21 nine 12:13 nods 5:10 noises 79:17,18 nonbreather 78:19 noncooperation 16:13,19 119:17 noncooperative 15:20 16:5 nonresponsive 20:18 70:22 nonresponsiven... 53:19 normally 47:25 55:7 81:20,22 North 94:2 notes 45:7 101:7 notice 4:7 5:19 21:17 number 6:1 numbers 37:20 nurse 11:14,16 14:16 23:15 62:21 63:11,25 113:22 114:2,15 114:20,24 115:8 115:15 nurses 32:6 41:1 113:11,14 115:19 nurse's 25:3 64:4 nursing 45:6 N28 2:4 <hr/> O O 4:19 106:3 113:3 118:10 119:6
--	--	---	---	---

object 18:6 29:25 32:17,25 36:11 43:9,23 45:17 49:12 50:20 54:19 63:4 64:15 objected 35:22 objection 50:25 69:22 75:5,25 78:3 86:5 100:10 104:12 112:7 objections 10:21 117:8 objects 49:1 93:5 obligation 88:6 observation 51:20 62:9 observations 16:6 22:12 57:17 59:7 observe 16:2 18:24 31:5 46:9 53:23 60:1 73:9 102:25 observed 18:20,24 24:18 26:17 33:11 45:22 46:4 60:13 61:7 65:6 86:18 92:7 95:6 99:15 observing 70:20 71:17 104:1 105:11 obviously 75:3 116:23 occasionally 62:25 occasions 6:22 7:13 9:12 115:8 occur 19:6 occurred 7:11,16 7:24 55:19,22 102:8 107:1 111:15 Occurrence 42:13	occurrences 65:12 occurring 99:12 116:7 odd 24:24 117:11 117:14 offer 91:5,8 101:1 offered 92:21 office 1:6 2:3,21 26:1 48:14 58:8 115:5 officer 4:13,24 6:15 7:24 8:13 8:16 9:8 10:9 11:25 12:2 13:22,22 19:21 22:18,20 24:12 26:23 28:8,22 29:1 30:11 31:5 34:6,22 35:14 37:7 38:17 47:9 47:18 56:16,25 61:5 63:11 72:4 73:24,24 74:23 78:17 81:5 88:9 88:15 92:15 94:13 95:9,18 95:22 96:3 98:7 98:17 99:1,15 101:19,25 103:8 106:5 112:2,11 113:5 117:8 officers 23:21 28:16 36:15 41:16 45:8 47:18 48:6,7 55:14 62:20 71:2 72:10 75:16,21 78:23 85:24 89:16 90:1,19 91:22 95:4 96:11 99:11,14,15,20 103:15 104:8,19 107:22 officer's 86:6	96:23 98:15 official 91:17 Oh 35:2 okay 5:11 7:3,23 8:9,22 10:20 31:17,19 37:22 49:16 54:25 56:6 72:10 76:19 101:14 103:11 106:1,7 106:13 108:22 109:11,14,21 111:1,5,8 112:18 117:18 118:6,24 120:1 120:3 once 14:4 23:9 35:18 38:23 53:5,16 58:8 66:8 86:17,17 87:12 95:19 97:1,24 98:22 99:14 ones 6:2 one-hour 35:7 ongoing 67:15 onset 117:4 onsite 103:15 open 67:1 79:13 107:7 Operating 80:20 opinion 14:10,13 15:21 16:7 18:1 29:21 36:3 46:8 78:6 95:13 96:7 104:10 opposed 16:21 24:20 62:9 91:12 92:1,11 option 98:1,5 99:1 optional 98:13 ordinary 21:18 oriented 45:4 original 4:17 29:6 originally 19:22 24:22	Otjen 3:2 outcome 10:17 outset 117:7 outside 32:10 58:13 69:19 overreacting 96:3 overriding 97:13 97:16,20 98:3,7 overseas 118:4 overview 12:20 oxygen 27:13 59:3 59:9,13 60:12 61:8 o'clock 33:22 34:19 <hr/> P <hr/> P 2:1,1,8 page 4:2,6 37:23 42:3 43:6,16 45:1 49:7,16,19 49:24 54:3,4 57:10,13 58:18 58:25,25 59:21 97:1 98:15 99:9 107:21 110:15 110:24 113:10 116:10 118:19 pages 6:2 49:20 106:18 116:8 118:21 paid 13:11 pain 80:14 83:18 84:9,19,24 85:24 Paladin 118:3 pants 73:1,5 paper 31:8 papers 82:16 83:1 paperwork 14:15 23:14 24:7 30:17,19,20 31:2,13 39:22 40:2,10,13 41:3 41:8,12,13 54:11 81:22,23	paragraph 42:11 42:12 58:21 59:22 60:8 82:6 96:25 97:11 98:22 99:9 111:5 113:11 paragraphs 62:3 paramedic 12:5,9 12:17,19,24 14:25 17:6 27:14 29:21 39:2 42:6 44:16 70:15 105:8 116:21 parameters 69:19 part 19:15 27:23 30:3,4 36:20 66:5 72:23 107:2 108:15 particular 6:3 67:21 partner 6:8 8:7,9 8:14,19 9:11,12 9:15 14:17 17:13 33:24 partner's 6:7 part-time 13:14 passed 10:17 33:20,23 82:4 83:4 89:13 passenger 37:12 37:17 patient 27:18 39:20 40:19 45:7,8 patients 3:17 105:9 Patrick 3:13 Paul 3:11 payment 39:8 pdf 4:16 Peavy 56:16 people 9:18,20,20 44:2,6 64:19 66:14 78:14 83:13 84:7
---	--	---	--	---

86:13 89:7 91:17 percent 66:7 104:25 perception 114:3 114:16 period 7:15 17:10 17:15 22:10,13 22:21 25:11 35:7,13 52:14 70:17 82:1 85:19 Perry 1:10 8:25 14:10 16:2,12 17:7,11,15 19:14 20:1,18 21:5,9 22:5 23:9 23:23 24:1 25:9 26:8,11 28:20 29:4,17,21 30:15 31:1,3 32:1,11 33:6,17 33:20 34:23 35:18 36:3,23 37:7,11 38:11 38:14,20 39:12 41:14 43:2 45:3 47:20 48:17 49:9 50:4,16 51:3,17,21 52:12 53:4,7,14 54:5 55:4 56:12 56:19,23 57:4,8 57:12,15 58:19 59:1,1,2,3,9,22 60:3,13 61:2,14 62:4,13,17 63:25 64:4 66:2 66:8 67:25 68:22 70:3,10 70:14 71:1,3,12 71:15 72:5,10 73:11,16,20 78:22 79:20,21 80:1,13 82:3,13 83:4,22,24	84:12,16 88:22 89:5,12,17,20 90:3 91:5 92:2,8 92:9,24 93:13 94:6,11,14,24 95:11,14 96:4,9 96:13 99:21,24 100:4,8,25 101:20 102:2,7 103:1,7 104:1,7 105:15 108:1,2 109:5,11,19 111:6,22 112:22 113:12,14 114:6 114:21 115:9,20 116:1,15 118:13 119:12 Perry's 5:1 6:5 7:10 8:17 9:2,13 10:7,10,16 14:1 25:10 27:7 28:6 28:12 29:9 31:22 32:6 34:15 35:10,15 36:2,10 41:5,10 42:17 46:14 51:9 53:22 65:12 77:13 80:24 81:2 82:16 88:17 93:9 95:22 97:5 97:17 99:6 100:7,17 101:3 103:22 104:20 114:3,16 person 27:20 31:12 37:3 44:3 49:20 75:3 91:11 92:15 personal 110:11 personally 102:1 103:10 104:17 106:12 112:13 personnel 14:14 30:16 36:9,21 39:18 40:16,21	40:22 41:9 42:1 43:17 44:24 46:2,4,8 47:5 48:23 54:10,16 55:6,13 58:14 66:22 78:12 83:20 84:8 89:6 89:17 90:7,20 91:3 104:11,20 105:1 119:3 persons 99:5 Peterson 3:14 Pewaukee 2:5 phrase 15:4,9 physical 16:21 17:12 18:4 21:24 25:3 26:19 27:21 29:11 32:7 40:23 51:10 53:18 61:16 70:6 86:21 87:1 87:22 92:16 97:2 98:24 102:21 105:9,12 physically 15:25 24:2 82:25 108:17 physician 106:14 109:6 114:20,25 physician's 115:1 115:5 place 26:13,15 69:7 77:2,3,15 80:23 90:19 106:20 115:17 placed 21:5 78:22 79:16 86:10 89:20,25 111:3 Plaintiffs 2:6,12 playing 35:23 please 4:21 5:2,13 106:2 PO 97:1 98:23 point 10:22 16:11 16:17,25 21:15	21:22 25:11 28:13 29:15 33:14 34:10 41:10,24 50:17 50:18 51:10,13 53:13 56:19 58:6 59:9 63:15 64:9,12 65:18 66:3 67:3,5 72:16 74:15 81:21 84:17 86:15 90:17 93:8,13 94:14 95:13 102:11 104:1 111:18 police 5:25 6:1,2 12:2 13:10,17 19:16 22:6,23 22:25 25:9,19 26:9 27:6 28:12 28:16 30:14 31:14 33:7,13 34:25 35:19 36:21 37:12 38:21,25 39:5 39:18,24 40:20 40:20 41:9 42:1 45:24 48:18 50:19 51:8 53:17,23 54:10 55:5,14 56:8 57:5 65:9 66:1,8 66:21 75:2 78:12,17 80:20 81:5,12 85:24 90:5,8 92:3,14 93:10,14,25 94:5 97:22 98:2 98:5,19 99:1,11 100:3 101:19 103:15 104:8,11 104:19 105:18 policies 80:23 81:6,11 88:6 96:21 98:2,6 policy 4:11 39:23	40:4,7,18 53:3 69:9 75:1 90:12 90:15,19 98:9 poor 53:25 portion 93:23 106:24 107:13 109:17 position 11:16 27:1 48:19 95:23 positioned 99:20 possession 41:8 possible 53:24 99:24 potential 20:15 Potterton 14:16 112:15 113:15 113:23 114:3,6 114:15,20,24 115:8,22 Powell 3:14 power 21:21 PPS 82:7,8,12 110:16 111:7,11 PP-42 36:25 37:7 37:14,25 38:13 39:12 prebooking 10:18 94:1 preparation 5:24 6:19 presence 17:12 60:5 97:18 present 7:5,6,7 24:14 99:11,13 102:1 pressure 27:12 74:1,1 94:23 pretense 93:2 prevented 52:21 53:4 54:15 previously 51:2 55:15 78:1 primarily 103:16 primary 36:2,7 71:14
---	---	---	---	---

<p>prior 7:10,24 10:9 12:4,12 18:11 20:19 21:6 23:11 25:8,23 26:8 32:8 42:15 43:8,21 57:4,25 58:6 61:17 62:12 65:12 67:23 68:11 77:6 80:23 81:2 86:6,8,15 87:17 88:5 89:25 93:8 93:14 95:22 108:25 113:22 115:1 prison 102:3 prisoner 38:3,6 38:24 39:4,16 39:24 40:1,23 40:25 41:20 56:24 81:23 88:4 90:17 91:22 94:8 98:24 103:6 110:17 prisoners 37:2 47:25 52:24 68:20 69:10 80:21 81:16 82:8,9 89:3 97:12 103:18 probably 7:17 8:6 8:15 16:15 17:9 26:21 32:21 35:23 37:17 47:9,13 58:10 69:9 92:4 106:21 problems 43:11 procedure 39:23 40:4,8,18 53:3 90:12,15,19 procedures 80:21 80:23 81:6,11 88:7 96:21 98:2 98:6</p>	<p>process 9:17,24 10:15 27:24 39:25 40:5 51:17 53:20 71:9,15 73:9 89:22 95:18 97:18 100:9 Processing 110:18 professional 43:8 prompt 49:25 50:6,9,12 53:13 prompted 13:9 proof 39:8 property 29:7,10 protecting 103:22 provide 39:17 provided 4:16 28:21 29:14,23 82:16 psych 44:1,6 76:18 Psychological 43:17 psychologically 43:19 pulse 27:12 28:18 79:9 80:3 pulseless 78:18 pupils 27:7 purpose 38:23 40:18 44:15 68:21,23,25 push 46:23 pushed 21:11 put 45:13 64:12 65:15 70:21 71:1,4 72:16,18 73:11 74:18 86:13 87:19 91:20 106:1 p.m 34:19 93:24 106:22 120:5</p>	<p>14:14 35:4 36:12 37:6 46:12 48:24 51:1 52:14 54:20,22 55:1 56:23 58:12,16 86:25 88:10 91:6 92:8 95:24 97:20 100:2,9 101:1 103:7,22 105:4 112:19 113:22 115:15 questioning 14:5 119:9 questions 4:25 9:18,19 10:1,15 17:22 20:7 30:23 53:19 56:25 67:16 74:9 101:11 105:23 116:7 120:4 quickly 21:20</p>	<p>43:22 54:9,14 55:3,12,21 57:17 67:21 84:19 94:3 109:9 recall 22:22 35:3 75:14 94:10,16 94:19 114:2,7 114:12,15 115:19 116:17 116:20 receive 82:25 91:15 received 14:15 16:20 18:4 21:22 23:14,22 23:25 29:11 34:14 40:2 69:25 92:5 108:6,12 receiving 39:17 40:16,20 46:2 48:6,22 54:10 54:16 55:6,13 56:7 72:8 117:17 recognizing 78:13 recollection 35:21 109:22 111:9 record 4:22 5:15 49:7 51:1 56:2 57:21 71:24,25 72:1 101:8,9,16 101:17 120:5 recorded 25:16 26:4 107:10 recording 25:17 26:5,6 records 4:8 31:21 32:2 36:8,22 42:5 108:23 109:4,12 116:5 recounted 10:14 recounting 14:6 reexamined 32:13 referring 24:11</p>	<p>reflecting 39:12 refused 32:15,23 regard 22:18 63:18 90:22 95:2,6 102:16 regarding 4:25 9:13 11:12 13:18,25 20:19 21:18 22:25 40:5 55:4 65:11 75:11 regards 35:16 regular 8:8,9,13 regulated 81:7 reimbursement 13:21 reject 82:9 relate 30:15 related 6:16 10:20 11:7 16:8 18:3 24:19 25:5 86:20 99:14 116:23 relates 4:25 6:4 10:6,10 31:3,21 32:2 34:23 36:10,22 37:7 38:10 39:12 41:14 45:15 46:13 49:9 53:24 56:11,23 58:11 69:20 80:21 92:7 94:11 103:7,14 103:22 104:7 relating 10:19 99:12 relation 39:13 relative 114:3,21 relatively 85:5 relax 76:23 relay 11:14 51:6 51:14 54:9 55:3 55:7 relayed 11:17 55:12 114:25</p>
--	---	---	--	--

relaying 54:15 release 30:19 70:4 released 23:9 29:17 32:16 36:5 68:12 97:6 105:16 108:1 relieve 33:4 remained 61:20 remains 50:4 remember 21:2 22:17 23:2 27:2 28:23 29:3 31:11,15 34:9 35:5,20,25 37:9 37:16 48:11,14 59:11,20 72:25 74:11 79:25 84:1 88:19,19 96:14 113:19,21 115:16 remembers 99:13 remove 59:9 removed 60:12 71:5 render 80:11 88:7 90:20 rephrase 5:3 54:23 report 4:10,12 6:6 11:23 57:1,3,8 57:23 58:18,25 67:24 93:20 99:7,9 100:3 107:6,7,20 111:17 113:7 116:14,18 118:22,24 reported 60:3 reporter 5:10 71:24 72:1 101:9,15,17 113:2 120:3 reports 5:25 6:1,2 6:4 98:19 107:16 represent 106:5	113:6 requested 39:9 requesting 5:20 required 26:12,15 35:8 81:6,12 requires 39:7 83:18,19 resist 16:7,24 resistance 16:13 68:2,6 74:6 95:12 111:14 119:11,12,14,16 resistant 91:11,25 95:14 resisting 74:4 resistive 16:16,17 95:11 resolved 42:18,23 42:24 respiratory 79:11 80:5 respond 67:16 69:3 105:2 responded 69:4 responder 27:19 responding 66:21 response 75:23 76:11 responsibilities 4:13 96:23 98:16 responsibility 70:17 92:14,24 103:18 responsible 82:7 97:2 98:23 103:5 responsive 15:10 17:25 20:20 50:16 restrained 60:20 restraining 73:16 result 16:6 19:15 20:16 23:2 52:1 100:8,14 114:9 114:12 117:15	resulted 88:15 return 31:13 37:12 39:14,23 41:5,10 48:17 53:16,22 66:1 70:4 105:17 returned 4:15 23:23 27:6 30:14 33:12 34:16 35:18 38:6,14,20,24 39:4,16,20 66:8 74:16,17 77:14 88:23 90:4 94:24 returning 26:8 39:9 40:19 returns 40:9 review 5:23 28:24 29:1,12 41:1 54:12,13 55:2 101:7 reviewed 6:3,10 6:11,15 42:4 57:25 58:6 81:2 Rick 95:4 ride 8:21 17:19 26:21 riding 15:12 20:13 right 5:23 11:5 15:8 19:3 24:6 32:12 34:18 36:4 37:19 46:12 63:16,21 64:6 99:16,23 106:16 109:4,16 109:24 110:6,24 111:12,17 112:19 113:20 118:19 right-hand 37:20 Robbins 82:14,15 82:25 83:3 102:6,12,25 103:3,4,11,25	104:6,17 rode 20:1 rolling 27:4 room 11:22,23 14:11 16:20 17:7,11,14 18:5 18:21 21:10 22:6 23:11 24:15 25:8 29:18,24 31:22 32:3,8,10,15 35:17 36:4,9 38:4,7,14,20,24 39:5,17,24 40:19 41:22 44:24 49:11 57:6 60:9 61:3 62:10 68:12 69:15 82:17 84:20,21 86:2 87:2,6,8 88:23 92:10,25 94:1 94:25 97:6,22 105:17 106:13 111:4 115:4,6 119:2 roughly 12:13,25 17:9 19:8 68:10 97:9 113:18 round 119:9 Roundy 2:4 run 41:17 58:18 <hr/> S <hr/> S 2:1 safe 48:19 safest 24:9 safety 103:6,19,23 sat 47:22,24 48:1 66:9 satisfied 25:3 saturation 27:13 saw 15:11 73:5 89:17 104:5 saying 11:3 24:7 61:21 74:7	75:14 83:22 88:19 94:19 114:6,7,12,16 115:20 116:18 says 42:12 43:6 49:16 58:18 59:1 97:1 107:22 108:1 111:5 113:11 117:23 scale 44:5 scans 4:16 scene 103:12 school 12:22,24 13:1,5,7 score 44:11,18,20 44:21 scored 44:24 scream 62:25 screamed 84:19 screaming 64:12 65:14 67:17 70:20 screen 90:3 screening 4:9 56:7 111:11,15 sealed 4:17 seat 26:19 27:3 37:17 45:9 seatbelt 26:12,15 seatbelted 22:14 second 18:11,17 18:18 19:4,11 42:12 59:21 63:7 98:15 99:9 101:15 107:20 Section 110:18 secure 32:1 see 19:7 27:4 29:1 43:20 45:1 59:23 72:21,23 81:17 82:25 85:18 88:9,11 89:20 103:25 107:3,21 108:17 109:18 111:20
--	---	--	--	--

113:12 115:6 118:21 seek 10:6 60:25 seen 5:21 31:23 56:11 64:9 75:10 84:17 93:19 96:24 99:7 108:22 109:3,18 seize 48:20 seizing 22:4 57:4 seizure 17:20 18:11 19:4,11 19:16,23 29:20 48:18 49:9,17 49:21,24 50:4,5 50:8 60:14 61:4 61:7 62:6 63:3,7 65:5,8 105:18 109:25 110:8 112:14,21 116:16 119:1 seizures 17:5,23 18:5,20 42:21 42:22,22,24 43:3 77:5 84:18 116:24 seizuring 112:5 sense 75:15 97:19 sent 4:17 17:19 sentence 107:25 113:11 September 31:22 36:23 93:24 112:23 sequence 34:23 series 4:24 serious 83:12,14 83:15,17 84:13 84:18 85:1 88:5 90:14,18 91:2 serve 117:25 served 117:21 service 118:2 set 65:15 96:21 shackled 20:3	shackles 60:22 73:19 shallow 61:8,20 70:21 share 36:21 sheet 21:12 she'll 76:16,17 shift 34:18 56:20 shirt 77:17,23 101:3 119:9 shocked 34:7 shoes 62:18 64:12 65:16 70:21 Shore 12:7 114:1 Shortly 21:16 shoulders 5:11 show 5:18 31:19 56:6 57:20 80:19 93:18 96:19 99:4 showing 40:11 shrugs 5:11 sick 88:20 side 91:20 99:16 99:23 side-effect 53:12 side-effects 53:24 116:21 sign 107:6 significant 35:6 43:6 83:18 102:21 signs 27:9,11,16 27:23 28:6,9,13 28:17 79:5 80:9 109:19 simple 31:16 Sinai 4:8 31:21 106:14 113:6 115:25 116:14 118:17 Sinai's 110:1 sir 4:21 5:18 91:15 sit 15:18 26:11 47:25 48:1	53:17 55:21 63:10 66:10 91:21 100:1 101:2 103:3 sitting 58:7 59:2 situation 23:17 36:15 78:7 93:4 96:2 six 66:16 72:4,10 78:23 85:24 90:1 99:20 six-officer 67:23 slurred 53:25 smell 73:5,6 88:17 smelling 21:2 soiled 26:8 68:21 68:22,25 86:22 solely 25:4 somebody 28:18 31:10 48:16 67:13 68:17 69:21 71:6 75:16,21 76:8 77:25 78:18,19 90:10,14 91:1 91:24 102:3,20 105:1 somebody's 27:15 77:23 someone's 44:13 78:7 soon 81:22 91:18 sorry 15:20 18:24 48:24 60:7 61:15 63:7 70:2 74:16 78:19 93:11 94:22 103:4 118:17,20 sort 75:1 sounds 22:15 63:2 South 12:7 114:1 speak 11:13 89:12 specific 112:24 speculation 100:11 112:8 speech 54:1	spell 4:21 spelled 4:23 spit 72:16,18,21 73:11 74:21 77:14,23 89:20 89:25 96:13 100:7,17 101:3 111:2 spoke 9:8,8 10:9 11:11,13 25:25 26:3 35:24 59:1 63:20 91:17,24 112:15 spoken 114:25 115:22,25 squad 8:20 22:8 26:12 34:3 37:12 45:8,9,13 47:14 52:13 53:15 68:14 St 2:16 3:3,9,15 12:7 114:1 118:14 stable 24:2 staff 11:1 24:5 stamped 96:20 Standard 80:20 standing 83:23 85:22 start 76:17 started 15:16 58:9 110:7 starting 49:7 starts 107:25 state 4:21 16:21 18:3 25:3 44:13 46:18,19 51:9 59:21 62:3 81:21 stated 88:5 99:10 statement 89:16 statements 114:2 states 1:12 82:6 97:11 98:22 station 22:23 23:12,23 25:9	26:9,22 27:6 30:14 31:14 33:7,13 34:16 55:5 57:5 87:12 87:17 status 97:8 stay 31:22 32:3 91:22 104:20 stayed 33:14 61:14,25 68:10 staying 14:8 step 71:9 stop 95:18 stopped 116:23 street 37:3 94:2 stretcher 21:11 strike 26:17 38:13 43:5 50:15 60:18 71:2 79:21 90:11,17 98:4 strong 74:6 stronger 68:4,6 struck 19:15 65:9 struggle 111:6,13 struggling 91:11 91:25 student 13:2,14 stuff 13:2 31:17 subject 58:15 subsequent 6:5 34:24 61:18 67:15 108:9 subsequently 33:6 57:5 60:3 suffer 52:12 suffered 49:10,21 57:9 70:4,15 77:5 78:1 suffering 16:8 53:10 65:20 70:21 80:13 83:11 85:1 87:2 90:14,18 91:2 92:10 105:16 suggest 41:7 45:3
---	--	---	--	--

58:14 77:25 suggested 65:13 suggestion 25:4 supervising 104:11 supervisor 29:8 55:8,14 82:7,12 90:13 103:5,12 support 64:10 supposed 82:23 sure 9:4 11:10 16:10 33:25 34:17 35:2,22 58:24 65:17,18 65:25 66:7 69:14 81:4 89:25 92:18 93:4 101:13 104:25 106:17 112:9 119:19,21 surprised 34:5 surrounded 104:8 surrounding 7:10 8:17 10:7 Susan 2:20 sustained 116:15 symptoms 78:1 systems 43:7 S.C 2:3,9,15 3:2 3:14	talked 14:2 24:3 35:2,5,20 83:8 talking 18:20 35:3 67:6 74:24 75:3 75:16,23 76:11 76:22 79:20,22 80:2 81:16 108:10 110:19 talks 49:25 96:22 tape 25:15 101:25 tasked 36:16 37:6 37:14 technical 12:23 13:1 Technically 74:5 technician 105:7 tecum 5:20 tell 5:2 7:15 9:16 10:11 14:13 15:8,23 21:5,9 22:5,12 35:15 35:21 46:1 48:22 51:23 63:18 66:17 74:12 76:18 78:22 87:8 92:23 94:5 95:2 95:6 97:5 102:1 106:20 107:1 110:16,24 telling 14:7 temperature 79:7 80:7 ten 7:14,15 24:15 71:4 ten-minute 59:23 term 14:25 15:1,2 15:5,6,7,9 45:20 94:8 terminology 94:10 terms 15:3,19 42:8,14 test 44:15 testified 51:2 57:24 114:23	testimony 32:15 32:24 46:10 53:7 78:16 86:6 117:7 Thank 72:3 101:8 105:22 106:2 Thanks 112:25 118:7 120:2 themselves 68:18 therapeutic 117:1 thing 106:18 107:19 things 13:15 21:4 27:12,20 64:20 65:2,24 85:8 100:14 108:9 119:19 think 12:1 13:4,20 15:24 16:10,23 19:9 22:3,19 23:17 24:6 25:12,17 27:5 28:10 29:3,13 29:19 33:21,24 34:9,18 38:22 40:13 42:21 44:1,6,6,7,22 46:4,24 47:2,3,9 47:19 52:15 53:9 55:21 56:20 60:12 61:3,6,25 62:2 64:5,25,25 65:5 65:8 66:2,4 68:16 69:4,11 71:21 74:20,21 75:12 76:16 85:3,4 88:11,17 90:21 93:16 94:7 95:25 96:3 96:5,11 98:1,4 99:23 101:6,22 102:18,23 103:24 104:10 105:21 108:21 114:23 117:9	119:15,18 thinking 95:10 96:6 third 58:21 110:15,24 thought 9:4,6 10:23 11:4,9 16:15 48:24 51:24 52:16 53:11 63:25 65:1,19 74:5 90:22 94:14 95:9 102:17,20 115:9 117:11 thoughts 32:9 three 12:22 17:9 64:13 77:5,6 84:17,18 106:18 three-hour 17:10 70:16 71:14 three-page 116:10 time 7:15,17 15:10 16:11,15 16:23 17:10,12 17:13,15 18:12 18:17 19:3,6 20:3 21:10,15 22:10 28:5,13 30:2 32:11 33:11 34:14 35:7,13 41:11 41:24 43:14,25 44:5 45:4,13 51:11,13,21,23 52:8,14 53:13 56:1,19,20 58:6 59:9 60:10,16 61:2,5,14 62:5,5 64:9,14 65:17 65:18 66:3 67:4 70:9,16 71:21 72:12 73:1,16 74:4,15 76:15 76:21 79:3,24 81:23 82:1,4,12 84:5,17 85:2,19	85:21 89:9 93:8 93:13 94:15 95:13,24 96:4 96:13,14 103:15 105:22 107:7,18 108:11,11 109:16 111:18 111:18,21 112:4 115:10 117:4 times 91:21 Timing 42:13 tired 14:19 15:14 17:1,22,24 20:22 21:20 51:24 62:4,7 108:10 116:24 tiredness 65:1,23 today 5:20 6:20 20:9 55:21 57:25 78:16 100:1 101:2 103:3 108:25 told 10:22,23 14:15 18:8 24:5 24:21 46:17 52:17 62:10 79:20 83:23 85:6 107:22 112:2 top 54:4 57:12 81:16 91:22 96:25 topic 9:16 34:25 35:10 topics 10:11 torso 66:18 totality 65:13 92:6 track 39:10 trained 17:6 28:16 78:12,17 90:24 91:1,10 96:21 105:8,11 training 11:25 12:25 14:24 25:2 42:15
T T 4:19 106:3 113:3 118:10 119:6 take 5:10 29:19 39:6 55:25 56:2 71:22 79:5 80:9 81:24 91:19 101:7 106:20 107:23 115:17 taken 72:2 92:19 talk 9:15 20:10 34:22 83:3,23 115:2 talkative 15:13				

43:21 90:23 91:15,17 92:5 116:20 trans 6:6 transcript 4:17 transfer 21:10 37:11,16 39:13 39:15 67:23 68:14 72:4,10 74:10 77:2 transferred 45:8 47:7 50:18 57:5 62:20 78:23 85:24 97:21 98:23 109:5 transferring 25:9 89:17 99:21 transpired 114:20 transport 21:6 22:13,21,25 37:1 39:10 59:4 59:10 97:12 117:18 transported 22:6 33:6 38:4 45:23 84:20 109:19 110:1 transporting 23:8 23:8 99:21 trauma 109:19,25 110:10 118:25 traumatic 44:14 travel 8:19 treat 102:2,3,20 treated 49:10 83:17 treating 70:14 treatment 83:19 tried 22:4 trouble 86:14,17 true 32:16 36:5 43:5 49:22 50:19 51:14,15 51:18,19 53:5,6 61:10,24 62:25 68:2 70:7 81:9	86:21 87:14,15 87:20,21,24,25 88:3,7,8 98:20 98:21,24,25 103:16 try 54:24 60:23 67:13,18 70:18 85:9 trying 15:25 16:16 29:10 60:4 69:12 tuition 13:20 turn 116:8 turned 55:5 turning 71:15 104:2 turns 27:5 twice 14:4 two 7:4 8:15 13:4 17:9,10,23 18:5 18:20 19:1 34:8 35:15 38:10 62:20 70:16 71:14 84:17 115:19 two-block 22:22 type 22:24 23:1 42:4 74:1 102:25 typed 107:13 Tyrone 89:10,12 89:16 99:10 T-shirt 100:20	79:15 uncooperative 43:24 44:9 46:25 52:2 uncooperativen... 111:14 undergraduate 13:1 understand 5:1 29:10,12 42:8 46:8 50:16 51:3 54:22 55:16 59:16,19 60:13 61:9 81:6,9 86:25 understandably 20:10 understanding 17:4 28:4 40:7 41:15 51:20 56:22 57:3 75:2 75:20 93:12 95:2 110:7 114:24 116:25 understood 5:7 29:23 30:6 47:3 undertook 92:23 119:12 unintelligible 61:22 United 1:12 unnerving 86:12 unsure 119:20 unusual 50:11 53:9,11 unwritten 75:1 upright 73:22 89:24 upstairs 47:15 upward 26:25 upwards 27:2 urinate 69:17 86:3 urinated 67:3,17 68:11 71:17 73:3,6 76:25	84:12,22 85:12 85:25 86:18 87:5,16,20 96:15 111:6 urinates 68:17 urination 70:5,11 77:24 88:18 use 20:11 37:4 44:12,16 59:14 59:15 76:15 88:13 92:20 108:2,7 usual 53:9 usually 38:9,18 89:7 103:8 UWM 13:2,3,13	73:14 95:3,4,8 wake 62:12 walk 15:17 21:19 47:20 65:14 70:19 71:18 86:2,8 walked 11:22 21:16,17 31:8 47:20 73:12 walking 24:5 48:14 62:5 66:5 103:25 108:11 117:13,14 want 20:10 40:13 44:18 52:5 59:15 101:12 107:19 wanted 20:11 32:13 49:6 59:14 wants 81:25 wasn't 10:24 11:5 14:20 15:13,15 17:5 21:20 24:16,17 30:4 33:1 34:5 43:11 65:17,24 66:6 74:5 97:24 100:13 109:11 112:9 117:13 watch 69:20 101:19 watched 26:21,25 75:12 101:21 102:1 Water 3:3,9,15 way 5:14 16:12 24:9 28:19 55:22,25 88:1 98:16 102:20 117:12 weak 17:1,24 67:25 weakness 65:24 weighed 9:2,5 weight 62:21
	U ultimate 10:17 103:18 ultimately 58:19 100:16 unable 16:16,24 48:4 51:3 52:3 66:10 70:19 71:18 unaware 87:23 unconscious 28:19 78:15,20		V v 1:10 vague 36:12 45:20 104:12 Van 3:2 vehicle 47:7 verbal 5:9 verbalized 85:23 vicinity 89:4 victim 50:4 62:6 93:23 Video 4:7 5:19 videos 101:19 103:25 violent 60:14 65:5 visually 26:4 vital 27:9,11,15 27:23 28:6,8,13 28:17 79:5 80:9 voice 84:2 voiced 23:15 voluntary 87:23 88:2 vomit 88:9 vomiting 88:15	
			W W 2:10 waited 61:12 waiting 47:15	

Weir 3:2	102:19 117:13	1:17 101:16	28 4:8 31:18,20	8
welfare 103:19,23	write 107:16	1:41 120:4	37:19 39:11	8 33:22 44:18 56:8
Wells 2:16	writing 107:6	10 34:19 103:9	42:3 44:23 45:6	80 4:11
well-being 16:22	written 40:4,7	10:15 1:4	49:5 54:3 116:3	81 12:10
40:23 82:8	116:12	100 66:7 104:25	118:20,20	841 1:7 2:22
92:16	wrong 14:17	1032 4:13	29 4:9 49:7,16	9
went 10:13 34:9	24:24 27:24	1033 4:13 96:20	56:5,7 57:18	
46:5 58:22	63:15 110:6,25	106 4:4		9 33:22
60:14 61:3	114:23	11:00 34:19	3	9th 94:2
72:18 115:4	W23000 2:4	106:22	30 4:10 19:9 50:5	9:21 93:24
Wenzel 1:10	X	11:48 71:25	57:21,22 61:12	93 4:12
weren't 41:17	X 4:1,19 106:3	113 4:5	106:10,16	949 94:2
wet 73:5	113:3 118:10	118 4:4	107:23 108:4	96 4:13
we'll 24:9	119:6	119 4:3	113:18	99 4:14
we're 44:23 72:1	Y	12-CV-664 1:11	30-minute 108:6	
101:17		12/09/2013 1:4	31 4:8,11 49:5,24	
we've 5:18 31:19	yeah 10:3 18:16	12:32 71:25	80:18,20 81:15	
56:6 57:20 72:2	23:13 32:9,19	13th 31:23 36:23	32 4:12 54:3 93:17	
80:19 87:4	37:17 47:24	93:24 112:23	93:19	
93:18 96:19	55:11 58:22	14th 107:11	33 4:13 96:18,20	
99:4 114:15	75:12 83:13	15 44:24 103:9	34 4:14 99:3,5	
whatsoever 91:8	106:25 107:5	16 37:23,23 39:11	4	
wheelchair 46:23	109:16 110:6	44:22	4 4:3	
white 113:18	111:16	17 42:4 116:8,10	45 19:8	
Whyte 2:15	year 8:3 12:25	1720 109:6	5	
WI 1:8 2:5,11,17	13:20	18 44:23	5 4:7	
2:23 3:4,10,16	years 8:15 12:3	1848 109:12	5th 7:2,22	
wife 14:2,5 76:15	\$	19 116:8	5/19/10 4:11	
76:21	\$1200 13:20	19th 80:22	5:20 109:6	
Wisconsin 1:13	#	2	5:26 107:10	
witness 1:1 18:16	#1400 3:9	2 82:6 113:10	51 93:19	
106:2	#1500 3:15	2003 12:16 13:6	53072 2:5	
wobbly 53:25	#1900 2:16	118:1	53202 1:8 2:17,23	
wondering 14:9	#71 2:10	2004 12:12,18,22	3:4,16	
32:9	#716 1:7 2:22	2005 12:14	53202-4267 3:10	
words 75:14	#800 3:3	2007 12:11,18	53213 2:11	
work 9:20 113:24	0	118:1	555 2:16	
113:25	0	2009 12:15,16,19	56 4:9	
worked 12:7,12	0480 81:15	2010 31:23 36:23	57 4:10	
12:14 56:20	090 4:11 80:21	80:22 93:24	7	
76:6	1	2011 13:4	7:00 33:22 109:13	
working 75:8	1	2016 13:15	700 3:3	
worse 61:17 62:1	1	23 45:6	72 82:1	
wouldn't 15:17,17	1 96:25	2500 12:25	735 3:9,15	
15:18 29:20	1:14 101:16	27 4:7 5:17,19		
51:23 96:7				